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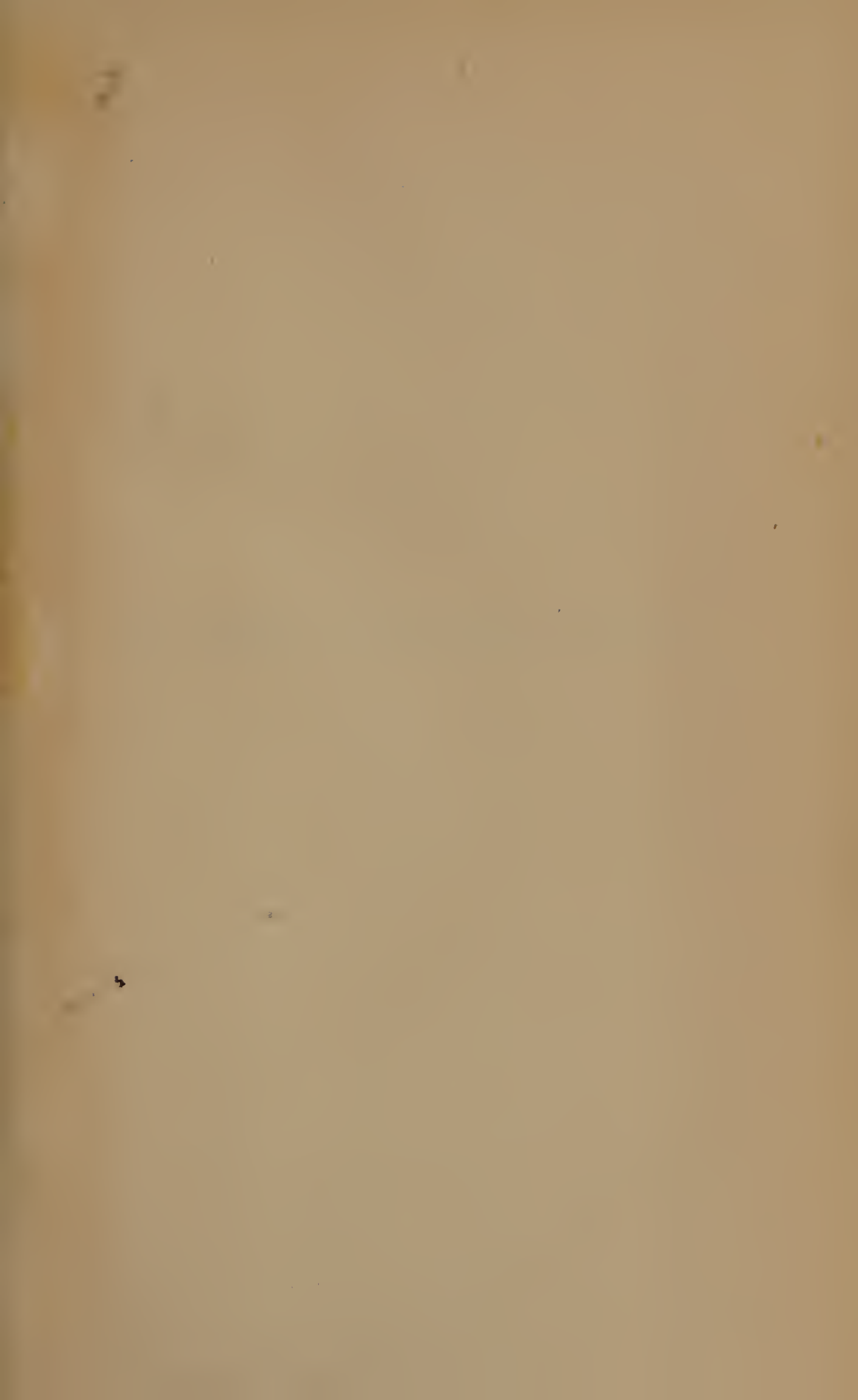
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**THE JUDGES IN IRELAND, 1221-1921**

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THE FOUR COURTS.

1799.

*From James Malton's View of Dublin.*

# THE JUDGES IN IRELAND, 1221-1921

BY F. ELRINGTON BALL

Hon. Litt.D. Dublin.

VOL. I

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## INTRODUCTION

THESE volumes treat of the judges in Ireland during the seven centuries that the authority of England was absolute in their appointment, and are designed to show the manner of men that were raised to the benches of the Irish superior courts by England, and so far as is possible the influences which accounted for their selection, the circumstances in which their duties were discharged, and the estimation in which their services were held.

By an unexpected coincidence the volumes cover exactly seven centuries. It was in 1221 that the first appointments now known by an English sovereign to judicial office in Ireland were made, and it was in 1921 that the last appointment to judicial office in Ireland on the advice of English ministers took effect. But no such fortuity of dates attends the periods into which the volumes are divided. These periods are governed by two factors, regnal years and interest for the present purpose, and are lacking not only in exactitude, but even in any approach to proportion in number of years.

In the arrangement of the volumes the aim has been to make the book allotted to each period self-contained, and with that object the text in each book is followed by the succession of appointments to the several courts, and a catalogue in chronological order of the persons raised to the bench during the period. But the biographical details in the catalogue are in the case of the more important personages supplementary to the

text, and in some instances where the career of such a personage extends into another period, the textual references will be found partially or wholly in the succeeding book.

Viewed as a whole the history of the judges in Ireland from 1221 to 1921 is remarkable for a continuity quite exceptional in that land of change. A judicial seat was seldom left vacant for more than a few months, and the bench came unscathed through every disturbance and constitutional upheaval. Indeed, some of the chief stages in the development of the judiciary synchronize with, or quickly follow, times of stress. The bench began to be formed when Henry the Third was at war in Ireland with the Norman barons ; it was established in its final form after Edward the Second's sovereignty there had been threatened by the Bruces ; it gained lengthened tenure for its members while the country was denuded by the Wars of the Roses ; and it attained to a height of distinction under James the First after the Desmond and Tyrone rebellions, under George the First after the attempt to restore the Stuarts, and under George the Fourth after the conflicts that attended the enactment of the Union.

With exceptions that are no more than infinitesimal the judges in Ireland were English by birth or descent, and the legal system that they administered was modelled on that of England and depended on England for the instruction of its practitioners, but inasmuch as the Anglo-Irish became no less fervid in their patriotism than the Celtic-Irish, the history of the Irish judiciary is a history of rivalry for office between England and Ireland. On the bench in the thirteenth century men of Irish birth found but rarely a place ; in the fourteenth century they enjoyed in an increasing degree a share of the seats ; in the fifteenth century they gained the predominance ; at the close of the sixteenth century they lost it ; as the seventeenth century advanced

fortune leant once more to their side; and in the eighteenth century they regained the predominance and continued to hold it.

Even a superficial examination of the records that were to be seen in Dublin before the destruction of the Irish Public Record Office was sufficient to convince the enquirer that in the two centuries immediately succeeding its introduction the English legal system was administered in Ireland with precision by judges who were qualified in the light of their day. As in England then, a proportion of them were clerks, men who had received a collegiate education, and who had either taken from conviction holy orders or assumed for convenience a clerical habit,<sup>1</sup> and these had generally attained to high proficiency in legal knowledge by serving in either England or Ireland as king's clerks in the office of the chancery or of the exchequer. But before the appearance of the inns of chancery and of court near London in the fourteenth century, the channel through which the lay judges received instruction is doubtful.

Although on this and on other points of interest, definitiveness has been found no more possible than when Mr. Foss wrote his *Lives of the Judges in England*, the information in regard to the judges in Ireland from the reign of Henry the Third to that of Henry the Seventh is by no means inconsiderable and shows that many of them had ability to gain distinction in other fields besides that of the law. For nearly the whole of the two and a half centuries that elapsed between the first known appointment to the Irish judicial bench and the accession of Henry the Seventh, the number of persons who were given judicial rank in Ireland was extraordinarily great, and undoubtedly a few of those who were of English birth never reached the shores of

<sup>1</sup> See *The Universities of Europe in the Middle Ages* by the Very Rev. Hastings Rashdall, *passim*.

Ireland and probably others were in a similar position. It was through failures on the part of Englishmen to assume office that judicial seats began to be filled by the Anglo-Irish, and at first an Anglo-Irish holder of judicial office was expected to make way for an Englishman when circumstances permitted of his arrival in Ireland.

For the centuries prior to the accession of Henry the Seventh, the succession of the judges in Ireland has been compiled from the appointments to the Irish bench made under the great seal of England or that of Ireland, and from the names of judges found in the Irish plea rolls, in the Irish exchequer accounts, and in Irish records of various kinds. As the appointments were generally made, no less in the case of men of Irish than of English birth, under the great seal of England, the succession is based in the largest degree on the Calendars of the Patent Rolls of England, and depends fortunately but little on the Calendar of the Patent and Close Rolls of Ireland in which there are many hiatuses. The plea rolls, which were preserved in the Irish Public Record Office, were similarly deficient, and the exchequer accounts, which are preserved in the English Public Record Office, could also not be relied on to give more than occasional help. Besides these, for the reigns of Henry the Third and Edward the First, the Calendar of Documents relating to Ireland has been an authority of first importance, and has been largely supplemented for those reigns by names found in works from which general information has been drawn.

To an extent which it would be impossible to over-estimate, the history of the judges in Ireland prior to the accession of Henry the Seventh has benefited by the labours of the chief officers of the Irish Public Record Office. To the acumen of Mr. McEnery we owe the Calendar of the Christ Church Deeds, which



has thrown light widely and vividly on mediæval life in Ireland, and to the scholarship of Mr. Wood a treatise on the Office of Chief Governor in Ireland, which has enabled Irish mediæval history to be written with an accuracy not before attainable. For the special purpose of these pages the Calendar of the Justiciary Rolls by the late Mr. Mills and the Statute Rolls by Dr. Berry have been of peculiar value, and amongst many monographs by these four authors which have been used, mention of the Guide to the Public Record Office of Ireland by Mr. Wood, the introduction to the Gormanston Register by Mr. Mills and Mr. McEnery, and the catalogue of early civic officers of Dublin by Dr. Berry cannot be omitted.

Information has also been drawn from the Calendar of the English Close Rolls, *Fasti Ecclesiæ Hibernicæ*, the Works of Sir James Ware, *Monasticon Hibernicum*, the Chartularies of the Abbeys of St. Mary and St. Thomas in Dublin, the History of St. Patrick's Cathedral, the Martyrology of Christ Church, and the muniment of the see of Dublin known as the *Liber Niger*; and advantage has been taken of the learning of Sir John Gilbert in his *Viceroy's of Ireland*, of Dr. Orpen in his *Ireland under the Normans*, of Mr. Wylie in his *England under Henry the Fourth*, and of the Dean of St. Patrick's Cathedral, Dr. Lawlor, in his contributions to the Proceedings of the Royal Irish Academy and the Journal of the Royal Society of Antiquaries of Ireland.

Until the accession of James the First it is seldom possible to estimate individually the legal capacity of the judges in Ireland, who prior to Tudor times appear most prominently as men of action or as ecclesiastics and in Tudor times as executive officers of the state, but the impression left by a general survey of both these periods is that the judges of Irish birth did not attain to so high a standard of legal knowledge as those of English birth, and that the administration of justice

suffered when the Anglo-Irish were predominant on the bench.

Amongst the Anglo-Irish in every department of life in Ireland in Tudor times ability and honour were at a low ebb. Of the Anglo-Irish none is more widely known or extolled than Richard Stanyhurst, yet he did not consider it unworthy of his talents to cast on two of his father's contemporaries, who come under notice in this history, an aspersion which he had to withdraw from circulation and which modern research tends to show was absolutely devoid of foundation. Writing of those who were what he calls the bellwethers and caterpillars of the overthrow of Silken Thomas and his father, he says :

The first was John Alen, archbishop of Dublin, a gentleman of a good house, chaplain to Cardinal Wolsey, and after by that cardinal's means constituted archbishop of Dublin, a prelate not so virtuous as learned, a good householder, of the people indifferently beloved, and more would have been had he not overbusied himself in supplanting the house of Kildare. . . . The second that was linked to that confederacy was Sir John Alen, knight, first secretary to the archbishop, after became master of the rolls, and lastly lord chancellor. This Alen was not of kin to the archbishop, but only of the name ;<sup>1</sup> at his first coming to Ireland he was taken for a single gentleman, and whether it was of malice to debase his petit degree, or of truth to blaze<sup>2</sup> his progeny, he was reputed by such as did stomach<sup>3</sup> his proceedings for little more than a villain. The archbishop, as it was in those days suspected, lived over loosely with this Alen's wife, which he stole so covertly by sur-naming his issue to be of the Nevilles, as none could perceive it, but such as would see it. This Alen therefore, to gratify his inmate lord bended all his force to the extirpating of the Geraldines. . . .

The Lord Thomas, being lord justice or vice-deputy, in his father's absence, fetched both the Alens so roundly

<sup>1</sup> He was the archbishop's first cousin.

<sup>2</sup> I.e. defame.

<sup>3</sup> I.e. resent.



over the hips as well by secret drifts as open taunts, as they were the more eagerly spurred to compass his confusion. For the lord justice and the council, with divers of the nobility at a solemn banquet, discoursing of the ancienry of houses and of their arms, Sir John Alen very unsavourily coming in with his fine rotten eggs, spoke to lord justice these words, "My lord, your house giveth the marmoset whose property is to eat his own tail," meaning thereby that Kildare did use to pill and poll his friends, tenants, and retainers, and having with this dire frump clapped as it were himself upon the shoulder, thinking that he had gravelled the Lord Thomas, the words were no sooner spoken than the Lord Thomas striking the ball to Alen again answered in this wise, "You say truth, sir, indeed I heard some say that the marmoset eateth his own tail, but although you have been fed by your tail, yet I would advise you to beware that your tail eat not you." This was so biting a gird that Alen, who had the Lord Thomas straightways, looked as blank at the answer, as though he had met the devil in a cellar; for the Lord Thomas alluded to the report that ran of the archbishop and Sir John Alen's bedfellow, meaning that he crept to his credit by reason of her looseness, and percase she might hereafter as well impoverish him as in time past she did enrich him by her lewdness.<sup>1</sup>

During the Tudor reigns, when appointments to the Irish judicial bench began to be made entirely under the great seal of Ireland, the chief authority for the succession of the judges is the *Liber Munerum Hiberniæ*. It has, however, been supplemented in the early Tudor years by references to the judges in works consulted for general information. Of these works there may be mentioned in particular the Calendar of the Patent Rolls of England for the reign of Henry the Seventh, the Letters and Papers of that reign in the Rolls Series, the Letters and Papers of the reign of Henry the Eighth, the State Papers of that reign, Sir James Ware's *Rerum Hibernicarum Annales*, Mr. Mills's Calendar of the

<sup>1</sup> See Holinshed's *Chronicles*, London, 1577, i. 90, Brit. Mus., G. 6006.

Fiants of Ireland, Mr. Shirley's Letters and Papers and Dr. Brady's State Papers concerning the Church of Ireland, the Sydney Letters and Memorials of State, Lord Burghley's State Papers, the Manuscripts of the Marquis of Salisbury and of Mr. Charles Haliday, and that unerring guide to Tudor policy, Dr. Bagwell's Ireland under the Tudors.

With the reign of Henry the Eighth there begin the Calendar of State Papers relating to Ireland, the Calendar of Carew Manuscripts, and the Calendars of the later Patent and Close Rolls of Ireland, which have been constantly used both for the Tudor and Stuart reigns. At the same time, or earlier, there begin also the printed records of the inns of court in London—the Records and the Students of the Inner Temple, the Minutes of the Parliament and the Bench Book of the Middle Temple, the Black Books and the Admissions of Lincoln's Inn, and the Pension Book and the Admissions of Gray's Inn, which have furnished often information as to the parentage and birthplace of the judges not obtainable elsewhere.

The appointment of men of English birth to the judicial bench of Ireland at the close of the sixteenth and during the seventeenth century was generally attributable to there being no fit man of Irish birth professing the established religion available. So great was the scarcity of such that in the beginning of the seventeenth century the corporation of Dublin elected barristers of English birth to the office of recorder which was at other times always held by barristers of Irish birth, and even in the latter part of the seventeenth century Ormond, the devoted friend of the Anglo-Irish interest, was not always able, while viceroy, to find men of Irish birth to recommend for judicial appointment or promotion.

The influence of the chief governor of Ireland in the appointment and promotion of the members of the

Irish bench has been at all times considerable. It varied, however, with the individual, and with the official rank accorded to him, which could be prior to Tudor times one of five degrees denoted by the titles respectively of king's lieutenant, justiciar, custos, deputy king's lieutenant and deputy justiciar, and subsequently one of three degrees denoted by the titles respectively of lord lieutenant, lord deputy, and lord justice. Until the accession of James the First, the judges sat in Dublin generally under the same roof as the chief governor, but during the halcyon years that the bench enjoyed under that sovereign, law courts, which were described contemporaneously as sumptuous, were erected in the precincts of the Cathedral of Christ Church.<sup>1</sup> With the chief judges the chief governor was at all times in close relation, and from Tudor times they appear invariably as members of his council. Before the Revolution there appear to be only two instances of a puisne judge being a member of the council, one of them being in the reign of Henry the Eighth and the other in the reign of Charles the Second;<sup>2</sup> and before that event there do not appear to be many instances of the king's legal officers having that rank. The latter comprised, besides an attorney-general and a solicitor-general, in Tudor times a serjeant, who was also appointed by patent, and in Stuart times as many as three serjeants, who were all appointed similarly by patent—the first being styled prime serjeant and taking precedence of the attorney-general.

Of a few legal arguments and criminal trials in the reign of James the First accounts are extant. The former we owe to Sir John Davies, who was then the Irish attorney-general,<sup>3</sup> and the latter to William

<sup>1</sup> These buildings continued to be used until the close of the eighteenth century, when the courts were transferred to the buildings shown in the frontispiece of this volume.

<sup>2</sup> Thomas St. Lawrence was the first; Richard Reynell the second.

<sup>3</sup> See The English Reports, lxxx, 491-583.

Farmer, a surgeon, who chronicled then events in Ireland.<sup>1</sup> By Davies seven legal practitioners of Irish birth are mentioned. He tells us that two of them were members of his own inn, the Middle Temple, and that two of them were civilians, who had presumably qualified at Oxford or Cambridge; but he did not think that the qualification of the other three was worthy of notice.

For the Stuart reigns and the Interregnum, the State Papers, as well Domestic as Irish, have been the chief source of information, but little less important has been the vast collection made by the first Duke of Ormond, partly preserved in Kilkenny Castle and partly in the Bodleian Library under the name of the Carte Papers. To these must be added Dr. Bagwell's Ireland under the Stuarts, a most illuminating review of the period. For the earlier years of the seventeenth century much use has also been made of Dr. Grosart's Works of Sir John Davies and Lismore Papers, Mr. Litton Falkiner's Illustrations of Irish History, Dr. Mahaffy's Epoch in Irish History, the Earl of Strafford's Letters and Trial, and Sir George Radcliffe's Life. For the middle years of the century information has been largely drawn from Sir John Gilbert's History of Affairs from 1641 to 1652, Miss Hickson's Ireland in the Seventeenth Century, the Memoirs of Edmund Ludlow, Thurloe's State Papers, and the Earl of Clarendon's State Papers. For the years between the Interregnum and the Revolution the Duke of Ormond's collection has supplied the chief material, but some has also been furnished by the Earl of Clarendon's Life, the Earl of Orrery's State Letters, the Essex Papers, the Correspondence of the Earls of Clarendon and Rochester, Bishop Cartwright's Diary, and Archbishop King's Diary and State of the Protestants in Ireland.

<sup>1</sup> See Farmer's *Chroniculary Discourses in English Historical Review*, **xxii** passim, and *Desiderata Curiosa Hiberniæ* passim.



The predominance of men of Irish birth on the judicial bench of Ireland from the eighteenth century was a direct result of Queen Elizabeth's foundation of the University of the College of the Holy and Undivided Trinity near Dublin, otherwise the University of Dublin. The effect of this foundation on the appointments to the bench was slow, but as the following figures eloquently manifest, it was no less gradual and unmistakable. Between the accession of Charles the First in 1625 and that of George the Third in 1760 a hundred and fifteen men were raised to the bench. Of these Dublin University claimed as alumni no more than thirty-four. Between the accession of George the Third in 1760 and the last appointment by England in 1921 a hundred and forty-five men were raised to the bench. Of these Dublin University claimed as alumni as many as a hundred and eleven.

By the election of a jurist as one of the fellows of Trinity College and by the establishment of a chair of civil and canon law, Dublin University held out a legal beacon to those who entered her gates, but in qualifying them as barristers she was unable at first to take a leading part. Until the reign of George the Third residence in one of the inns of court in London for at least five years was necessary to secure a call to the Irish no less than to the English bar, and between the accession of James the First in 1603 and that of George the Third in 1760, with a single exception,<sup>1</sup> the name of every barrister, as well Irish as English, who was raised to the Irish judicial bench, has been found as a student in one or other of the four London inns. In all, the barristers appointed to the bench during that period numbered a hundred and thirty-six. Of these twenty-seven appear as students in the Inner Temple, forty-five in the Middle Temple, thirty-seven in Lincoln's Inn, and twenty-six in Gray's Inn.

<sup>1</sup> Oliver Jones.

According to their History,<sup>1</sup> the King's Inns, which were founded in Dublin in the reign of Henry the Eighth, did little to further legal education until the nineteenth century, and it is to be feared that this was the case, although the author of the History is one who cannot be regarded as an unimpeachable authority. In his estimation of character he loses all sense of proportion, going so far as to impute undisguised and flagrant dishonesty to one of the most illustrious of the Irish chancellors, and judging by the imaginary origin and exploits that are attributed by him to some of the Irish judges of Jacobean times,<sup>2</sup> he mingles fiction freely with fact.

For the years between the Revolution and the accession of George the Third, Dr. Murray's *Revolutionary Ireland*, Mr. Froude's *English in Ireland*, and Mr. Lecky's *History of Ireland* have been equally a source of knowledge and of inspiration for research; and amongst other standard works which have afforded help, there may be mentioned the *Calendar of Domestic State Papers*, Mr. James's *Letters of the reign of William the Third*, Boyer's *Political State of Great Britain*, Archdeacon Coxe's *Correspondence of Shrewsbury and Memoirs of Walpole*, Mr. Harris's *Life of Hardwicke*, and Horace Walpole's *Memoirs of the reign of George the Second*. But in the largest degree the information has a manuscript origin. In the British Museum use has been made of the great collections associated with the names of Ellis, Hardwicke, and Newcastle, and the letters of Sir Richard Cox and Marmaduke Coghill; in the Bodleian, of Irish official correspondence in the time of the second Duke of Ormond; in Christ Church, Oxford, of Archbishop Wake's Irish correspondence; and in Trinity College, Dublin, of the letters of Archbishop King covering half the period

<sup>1</sup> By Bartholomew Thomas Duhigg.

<sup>2</sup> See *The King's Inns Remembrancer* by B. T. Duhigg.

and of the correspondence of George Clarke in the years succeeding the Revolution and of Sir John Stanley in the closing years of Anne's reign.

Besides, the judicial history of these years owes much to the correspondence that has been printed in the Letters of Archbishop Boulter and of Bishop Nicolson, in the Orrery Papers, in Lady Sundon's Memoirs, in Mrs. Delany's Correspondence, in the Correspondence of the Duke of Bedford, and in the Manuscripts of the Marquess of Downshire, of the Earl of Egmont, of the Duke of Marlborough and of Miss Matcham, and in the Stuart Papers, published by the Historical Manuscripts Commission. Ephemeral literature must not also be forgotten, in particular the Autobiography of Sir Richard Cox, the Jottings of the Levinge Family, Dunton's Dublin Scuffle, tracts relating to the last years of Anne's reign in the Haliday collection in the Royal Irish Academy, and a History of the Governors of Ireland from 1688 to 1753.

The example of Oxford University in establishing the Vinerian chair of common law shortly before George the Third's accession was followed within a few years by Dublin University. Although he was not a Blackstone, the first holder of the professorship of feudal and English law in Dublin University, Francis Stoughton Sullivan, was a remarkable man, with a great reputation as a fellow of Trinity College and as a practising barrister. He had won fellowship at the exceptionally early age of nineteen years, and his lectures on the constitution and laws of England, which have been printed, attracted a learned auditory. In addition he collected material for a history of Ireland, which would appear to have been the basis of Leland's much applauded work. He was succeeded in the chair of feudal and English law by several men of marked ability, more especially Dr. Mountifort Longfield, who held the chair for upwards of fifty years in the nineteenth century, and who was

considered by Irish judicial personages a man of consummate ability.

In addition to Sullivan and Longfield, Arthur Browne, who held the chair of civil and canon law at the time of the Union, gave considerable impetus to legal study in Dublin University. He is still remembered in his capacity of member for the University, but he is forgotten as one who like Sullivan stood high as a fellow of Trinity College and as a practising barrister and published lectures that were much valued by his contemporaries.

Owing to the proximity of the University of Dublin to the Irish law courts the connexion between the University and such members of the judicial bench as were numbered amongst her alumni remained always most close. By word and deed they showed their indebtedness to her for their professional success, and such of them as had represented her in parliament proved that in seeking the suffrages of the University electors, they had not been unactuated by a desire to do her service. During the nineteenth century six of the chancellors, two of the chief justices, and one of the judges were, in the capacity of vice-chancellor of the University, members of her caput.

The authorities for the last century and a half are adequately given in the footnotes to the text and in the catalogue, but some acknowledgement of the works which have added generally to the completeness of these pages is due. Foremost are Mr. Sadleir's *Alumni Dublinenses*, Mr. Foster's *Alumni Oxonienses*, and Mr. Venn's *Alumni Cantabrigienses*, which have been supplemented by Dr. Stubbs's *History of the University of Dublin*, Anthony à Wood's *Athenæ Oxonienses*, and Mr. Cooper's *Athenæ Cantabrigienses*. To these must be added Mr. Foss's *Judges of England*, Mr. Coote's *English Civilians*, and Mr. Williams's *Great Sessions in Wales*. For genealogical purposes much use has been



made of the histories of the Dublin Churches in *The Irish Builder*, Mr. Hughes's histories of the Churches of St. Werburgh and St. John, the funeral entries published by the Kildare Archæological Society, and Mr. Ball Wright's *Ussher Memoirs*; and for topographical purposes information has been drawn from Sir John Gilbert's *History and Ancient Records of Dublin* and the almanacs and directories published in Dublin from 1733 to 1921.

The resources of the Public Record Office of Ireland had been fortunately explored for the purposes of these pages before its destruction, but many references to documents deserving more full examination have proved worthless and an incomplete treatment of subjects of the utmost importance has been unavoidable. Of its contents use was especially made of, besides the plea rolls, the prerogative and consistorial wills and grants, the memoranda and summonister rolls, the exchequer inquisitions, the assize warrants, the departmental, civil, and country correspondence, and the Southwell papers.

During the last centuries many of those who ascended the bench, as well in the place of a puisne as of a chief judge, bore the rank of a privy councillor, for during the eighteenth century the prime serjeants were sometimes admitted to the council board and after the Union the attorney-generals were invariably members of it.

In conclusion one word must be said as to myself. I write as a representative of two English families that appear first in Ireland in the latter part of the seventeenth century, and as the immediate descendant of men who gained as members of the established church of Ireland some distinction in academic, military, clerical, and legal life. So far as I am aware, my immediate ancestors have been identified with a conservative as well as a protestant school of thought, but my father, who was originally a follower of Sir Robert

Peel, supported for a time Lord Palmerston. I have myself devoted the best years of my life to the defence of the Legislative Union between Great Britain and Ireland, which I held and still hold to be necessary for the economic welfare of Ireland. As the son of one who reached the highest office in the law in Ireland, I was known from my earliest years to members of the Irish judicial bench, and in connexion with politics I was brought into close relation with many members of both branches of the legal profession in Ireland, who gave me freely of their friendship. In these circumstances I have essayed to place on record the history of the judicial bench in Ireland under English rule, and hope that a knowledge of the manuscript and printed material for Irish history may compensate in some degree for a deficiency in legal education. Of my father, the author of the *Life of Thomas à Kempis* was good enough to write to one of his own faith that "earnest protestant as he was, he was absolutely unprejudiced, and as scrupulous in guarding Catholic interests as if he had been a Catholic." That within my limitations I may be thought worthy of a like judgement has been my aim in these pages.

F. ELRLINGTON BALL.

LONDON.

*September, 1926.*

## BOOK I

### SOVEREIGNS—HENRY III TO EDWARD III YEARS—1221 TO 1377

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## CORRIGENDA

### VOL. I

p. 40, first line, omit "1334 Robert le Poer."

p. 272, line 12 from top, read "Richard" for "Robert."

p. 309, above line 9 from bottom read "1686 Thomas Nugent."

p. 351, line 18 from top read "Middle Temple Records" for  
"Williams's Great Sessions in Wales."

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## CHAPTER I

### PRECURSORS

SOVEREIGN—HENRY III. YEARS—1221 TO 1272

SEVEN centuries have elapsed since the first extant king's letter designating persons to act in a judicial capacity in Ireland was issued. At the date which it bears, March 8, 1221, Henry the Third had been more than four years on the throne. Forty years before, under his grandfather, Henry the Second, English law had been introduced into Ireland, and ten years before, under his father, John, jurisdiction and procedure had been defined. To his father's work Henry the Third thus referred in addressing the barons, knights, and free tenants of Leinster: "Satis, ut credimus, vestra audivit discretio quod quando bone memorie J. quondam rex Anglie, pater noster, venit in Hiberniam, ipse duxit secum viros discretos et legis peritos quorum communi consilio, et ad instantiam Hiberniensium, statuit et precepit leges Anglicanas teneri in Hibernia."<sup>1</sup>

While on the throne, John went once to Ireland, where, in the lifetime of his father, Henry the Second, just twenty-five years before, he had spent, as lord of the country, eight months. His visit as king, which lasted for a fourth of that time, took place in the summer of 1210. Before then, in England common law had been established and its administration vested in men possessed of legal knowledge, who exercised judicial authority either as justices of the *curia regis* or as justices itinerant. Of these men, actually or lately holding office, four or five appear in John's train, and

<sup>1</sup> Pat. Rolls, Hen. III, ii. 96.

another had preceded him as justiciar or chief governor. Those in his train were laymen,<sup>1</sup> but the justiciar was an ecclesiastic.<sup>2</sup> From the strength of his legal entourage it may be surmised that John expected to be able to establish English common law in a great part of Ireland, and his reception did not give any reason to modify such an anticipation, for he was allowed to traverse the country without opposition from Waterford in the south to Carrickfergus in the north. But the reality proved very different from the expectation. In spite of the alleged solicitude of the Irish for the abrogation of the Brehon code, the English lawgivers did not venture to penetrate into the large districts still under the rule of Irish princes, and in the districts embraced in the Norman settlement the liberties granted to the greater settlers and the rights of the custodians and seneschals proved a formidable obstacle to the introduction of common law. In the result, its operation was confined for centuries to narrow areas, and the immediate outcome of John's effort was the establishment of a single itinerant court, presided over for ten years by one justice.

During that decade, comprising the last six years of the reign of John and the first four of the reign of Henry the Third, this court receives no more than incidental mention. But from Henry the Third's letter issued on March 8, 1221, it is evident that all was not going well with it. As the letter relates, it was then the custom in England that several justices itinerant should act together and that more than one of them should keep a record of the proceedings, but in Ireland no record of the proceedings was being kept, as it was not customary to impose that duty on a judge when acting alone, and even if a record had been kept, as

<sup>1</sup> Simon de Pateshull, John Fitzhugh, Robert Malduit, Robert de Percy, and probably Richard Flandrensis. See for Pateshull, *Dict. Nat. Biog.*, and for the others Foss's *Judges*.

<sup>2</sup> John de Grey, bishop of Norwich. See *Dict. Nat. Biog.*



the letter points out, it would have been but a single one, the destruction of which would have meant an irreparable loss. In order to remedy this unsatisfactory position the letter proceeds to provide that with the existing justice itinerant, whose name is not given, there should be associated two others, a layman and a clerk, Thomas Fitzadam and Bartholomew de Camera by name, who are thereby constituted justices itinerant and directed to make their eyre with the justice then in office. The necessity of strengthening the tribunal is based solely on the faulty procedure and no suggestion is made that one justice was not able to perform the work.<sup>1</sup> It must have been extremely light, not only from the small number of settlers, but also from the small number of places in which jurisdiction could be exercised. Outside the neighbourhood of Dublin for the next thirty years, the only counties in which the court could have possibly functioned were those of Cork, Kerry, Limerick, Waterford, and Louth, and how far it did adjudicate in them is not known.

Of course, in addition the chief governor had, as the name justiciar then given to him implied, an inherent right of administering justice, and from the creation of the office, forty years prior to John's visit, the *curia regis* in Ireland had been the legal tribunal of the settlers. Thus in 1199 John commands the justiciar to cause a magnate to have in the *curia regis*, right and judgement in respect of charters granted by him when lord of Ireland; in 1200 he wills that no recognizance be made and no outlawry issue save in or by the *curia regis*; and in 1204 he commands the justiciar to cause a new castle to be constructed in Dublin for the uses of justice.<sup>2</sup> It appears that the justiciar exercised also at that time, equally with the king, the right of delegating his authority to others. Thus, in 1207, John commands the free tenants in Leinster not to answer touching any

<sup>1</sup> Cal. Doc. Ire., i. 985.

<sup>2</sup> Ibid., 101, 126, 226.

plea of the crown save before himself, his justiciar, or the justices whom he or his justiciar might send to administer law.<sup>1</sup>

But in this connexion it may be observed that the king was slow to part with power. In the case of a murder committed on the drawbridge of the castle of Dublin about 1200, it was decided that the persons accused should defend themselves by ordeal of iron or wager of battle before the king himself, whether he should prove to be in England or on the continent, and when, at the close of that year, a new justiciar was appointed, Irish pleas touching the crown, the mint, and the exchange were reserved to the king.<sup>2</sup> Writs in the name of the justiciar were in 1204 declared to be operative throughout the land and realm of Ireland, and his equal right with the king in issuing them was affirmed in 1207; yet in the latter year certain persons accused of committing robbery and of breaking the peace were taken for trial to England.<sup>3</sup>

It is not until sixteen years after the accession of Henry the Third in 1232, that the existence of a chancery in Ireland is recognized in the patent or close rolls.<sup>4</sup> At that time the office was granted to the chancellor of England, who executed the duties by deputy, and no clue is given to its previous disposition. In lists of the chancellors of Ireland there appear under the years 1186, 1219, and 1230 the names respectively of Stephen Ridel, John Worchley, and Fromund le Brun, and their tenures of office have been taken as covering the first sixty years after the coming of the Normans to Ireland.<sup>5</sup>

<sup>1</sup> Cal. Doc. Ire., i. 352.

<sup>2</sup> Ibid., 114, 116, 133.

<sup>3</sup> Ibid., 236, 328, 352.

<sup>4</sup> Close Rolls, Hen. III, 1231-4, p. 112.

<sup>5</sup> Lib. Mun. Pub. Hib. See also Gent.'s Mag., lix. 468. As will be subsequently seen, Fromund le Brun appears as chancellor in 1268 and 1276. A letter in which his name is mentioned has been calendared under the year 1230 (Cal. Doc. Ire., i. 1840), but its date must have been circa 1275 when Hugh de Coolock, who is also mentioned in it, flourished (ibid., ii. 1074, 1596, 1609). In a list of Irish



But contemporary documents do not go far in supporting the claim that they are rightfully enumerated. In the case of Stephen Ridel, although he was undoubtedly in Ireland with John as prince in 1186, and was then styled the king's chancellor, research shows that he was thus designated at no other time and was afterwards identified with England;<sup>1</sup> and in the cases of John Worchley and Fromund le Brun no confirmation of their holding office, or even of the existence of men of the name in the period assigned to them, is to be traced. From Ridel's position in Prince John's train, it may be assumed with some feeling of certainty that in 1186 there was no permanent chancellor in Ireland, and even so late as 1215 it may, perhaps, be inferred, from the grant of a charter to the king of Connaught being subject to a fee payable to the chancellor of England, that there was then no corresponding officer in Ireland.<sup>2</sup>

After the chancery of Ireland was granted to the chancellor of England, in the autumn of 1232, the justiciar was instructed to admit the deputy of the chancellor of England "to execute the office of the chancellor of Ireland and to cause him to have administration of it and of the seal with which the affairs of the king and of the land of Ireland were transacted."<sup>3</sup> From the deputy the justiciar was to take an oath of good service and fealty to the king and his chancellor, and the deputy was to be present "at the councils of the justiciar and at the management of the king's affairs," and to have a clerk attending in the exchequer at Dublin, and at the assizes before the justiciar, to keep a record of the proceedings for him. After the death

judges in the library of Trin. Coll. Dubl. (MS. 659) Theobald Walter or Butler, the founder of the Ormond family, who died in 1206, is included amongst the chancellors. His career renders it unlikely that he acted in such a capacity (see Dict. Nat. Biog.).

<sup>1</sup> Cal. Doc. Ire., i. 1787; Christ Church Deeds, 470; Rotuli de Liberate; Rotuli de Oblatis; Rotulus Cancellarii.

<sup>2</sup> Cal. Doc. Ire., i. 656.

<sup>3</sup> Ibid., 1988.

of the chancellor of England, to whom the grant of the chancery of Ireland was made, in 1244, the deputy then holding office appears with the title of chancellor of Ireland,<sup>1</sup> but he was soon superseded in favour of an official of the chancery of England who was appointed for the purpose of reconciling the Irish with the English practice, and of carrying out the king's will that there should be in Ireland one chancellor and that all writs should issue under the king's seal borne by him.

In the letter in which the king's will was thus declared, issued in the summer of 1246,<sup>2</sup> it was also decreed that there should be one exchequer sitting in Dublin, at which "the seneschal should answer for all receipts and issues of his bailiwick, and the vice-sheriffs under the seneschal should answer as the king's sheriffs did." From the beginning of that century to the time when the letter was issued, frequent references occur in the state papers to the king's exchequer in Dublin and to its officers, a treasurer, a chamberlain, and barons. Of the holders of the first two offices during that period the names are on record, but it is not so as regards the barons.<sup>3</sup> How far they corresponded to their successors in number or status is not disclosed, but it is probable that after the date of the king's letter a change, such as had occurred in England some years before, took place, and that men of position were superseded in favour of men of knowledge. It is certain at least, as their individuality is revealed, that soon afterwards men with a qualification are found in the position of baron and that their number was confined to two.<sup>4</sup>

Ralph de Neville, the chancellor of England, to whom the chancery of Ireland was committed in 1232, was a prelate then holding the see of Chichester. Although bearing the name of the great family that came from Neuville-sur-Touquer in Normandy, he was of illegiti-

<sup>1</sup> Cal. Doc. Ire., i. 2796.

<sup>2</sup> Ibid., 2836.

<sup>3</sup> Ibid., *passim*.

<sup>4</sup> Ibid., i. 3128; ii. 329.

mate birth. He appears first as an officer of the chancery of England and as the recipient of much ecclesiastical preferment. In 1222 he ascended the ecclesiastical, and in 1226 the judicial bench. Both seats he held with some temporary impairment of authority as chancellor, until his death in 1244. In Ireland he appointed as his deputy successively two ecclesiastics. The first, Geoffrey de Turville, whose appointment was of equal date with his own in 1232, was a highly trained and able man. A native of England, deriving his patronymic from lands in Buckinghamshire, he appears in Ireland under the protection of the archbishop of Dublin of that day, who had been one of the English justices before coming to Ireland, and following in the steps of his episcopal patron, he became successively in the church archdeacon of Dublin and bishop of Ossory, and in civil life chamberlain of the exchequer and treasurer of Ireland besides deputy chancellor. But Robert Luttrell, who succeeded him on his promotion to the office of treasurer in 1234, was not his equal, although he enjoyed for a time the title of chancellor, and he owed probably to his kinship to one of John's favourites, the founder of the English and Irish houses of Luttrell, his advancement, which in the church did not proceed further than to minor dignities.<sup>1</sup>

After two years' enjoyment of the title of chancellor, Robert Luttrell was replaced in 1246 by the chancery reformer, Geoffrey de Wulward, a clerk in full orders who had for many years held office in the chancery of England and had been chosen on more than one occasion to attend the king on his visits to France. His appointment as chancellor of Ireland was not made by his own wish, and by a special provision liberty was given to him to return to England in a year or two.

<sup>1</sup> In lists of the chancellors under the year 1235 Alan de Sancta Fide is given, but no mention of him has been found in contemporary documents.

At the end of three years, in 1249, he availed himself of this provision, and to fill his place a successor with similar qualifications was sought. Ralph de Norwich, on whom the choice fell, was not only a well-trying servant of the crown, but also one with knowledge of Ireland. Before the accession of Henry the Third, he had gone thither as king's messenger, and, during the first six years of Henry the Third's reign, he was frequently employed there on business connected with the state. Six years later, in 1228, he was there as custodian of the see of Emly, but on returning to England he was given a seat on the bench at Westminster. Although he received from the king ecclesiastical preferment, he is said to have been secular in his habits, which were remarkable for their sumptuousness, and on that ground the pope refused to assent to his election as archbishop of Dublin.

Ten years later, in 1256, Ralph de Norwich made room for another clerk, but possibly only in minor orders, John de Bruningfald, who had been long employed in the exchequer at Dublin and was then one of its barons. His term of office lasted probably for ten years, as it is not until 1268 that his successor, Fromund le Brun, appears in the office. Like most of his predecessors, Fromund le Brun was a clerk in full orders, and had gained official experience by a long attendance on the justiciar. He held the seal of Ireland in two periods of office, and during the first period in a contest for the archbishopric of Dublin, he was nominated by the chapter of one of the two cathedrals which that city possesses, but was not elected.

It is evident from the qualifications of those appointed to the chancellorship that executive ability rather than knowledge of law was essential for the discharge of the duties of that office in the reign of Henry the Third, and that the justiciar could not always rely on obtaining from the holders of the great seal the utmost legal



assistance. In the forerunner of the King's Bench, the *curia regis*, or, as it may be more conveniently called, the justiciar's court, the justiciar must have had often to decide for the colonists questions governed by the decisions of the courts in England, and sometimes at least he was provided with a trained lawyer as an assistant.

At the beginning of Henry the Third's reign, about the year 1221, when the place of justiciar was held in succession by one of the magnates of Ireland and the archbishop of Dublin, an ex-justice of the English Bench, Roger Huscarl, whose progenitors had fought in Canute's bodyguard, lent his aid. He was in Ireland in 1221 when the magnate resigned, and returned then to England, but he was sent back by the crown "to attend with the archbishop to the king's affairs and pleas." While a justice of England he had been given lands for his maintenance, and in Ireland a similar course was pursued.<sup>1</sup> Later in 1237 when the place of justiciar was held by a baron of Ireland, there appears as his knight Hugh de Lega, who seems to have had some judicial qualification, as he is found once presiding over the itinerant court. He had hereditary connexion with Ireland, but belonged to a Bedfordshire family and had probably received an English education.

The itinerant court continued until the close of Henry the Third's reign to be presided over by justices, of whom one at least was a clerk. For nearly four decades of the reign the number of justices presiding appears as three, but for the remainder of the reign when the jurisdiction reached to the county of Tipperary and to Connaught, benches of four or five are common. The chief place was taken by the justice who stood highest in social rank or who possessed most legal learning. Thus the first recorded in the chief place, in 1228, was a kinsman of the Earl of Pembroke of that day, John

<sup>1</sup> Foss's Judges, ii. 189, 369; Cal. Doc. Ire., i. passim; Pat. Rolls. Hen. III, i and ii, passim; Close Rolls, Hen. III, passim.

Marshal, baron of Hingham. As a nephew of Strongbow's daughter, he occupied a great position in Ireland as well as in England, and paid many visits to the former country, of which he was officially the marshal. He had gained judicial experience in England as a justice of the forest and as a justice itinerant, and he had also knowledge of diplomaey as an ambassador to Rome. His successor, so far as is known, Sir Waleran de Welleslegh, who appears in 1242, was a member of the Somersetshire family from which the Duke of Wellington descends, and must have received legal training before going to Ireland from the weight given to his decisions. He had been there for nearly twenty years, and continued to serve there in a judicial capacity for nearly thirty more. After John de Marshal's tenure of office, owing to the assumption of royal authority by the Earl of Pembroke, the work of the itinerant court had become much disorganized,<sup>1</sup> and in order to restore it to its former efficiency, an ex-justice of England, Robert de Shardelowe, was sent over in 1246, about the same time as the chancery reformer. Although he bore the clerical style of clerk and master, Robert de Shardelowe, who does not appear as the recipient of church preferment, was probably only in minor orders. Before going to Ireland he is found serving successively as sheriff of Surrey, constable of Guildford castle, an ambassador to Rome, a justice of Westminster and king's proctor with a residence in the bench, and at the time of his death he was a landowner in Derbyshire, of which he was a native, Leicestershire, and Ireland. In 1254 he was succeeded as head of the itinerant court by Geoffrey de St. John, an ecclesiastic, who became bishop of Ferns, in 1255 by Sir Waleran de Welleslegh, who acted then for the second time, in 1264 by Sir Alexander de Nottingham, who owned property in Ireland through his wife, and in 1269 by Sir Richard

<sup>1</sup> Cal. Doc. Ire., i. 2836.

de Exeter, who was given, in right of his office, a furred robe and a saddle.

The lay puisne justices were, with few exceptions, men of little importance. Amongst them are found the king's forester in Ireland, a landowner in Northamptonshire and Yorkshire who had served as a justice itinerant in England, the seneschal of Ulster, and the owner of lands now covered by the southern suburbs of Dublin and owned by the present Earl of Pembroke. Of the clerks who held the position of puisne justices three are known to have been in full orders, one of them being a prebendary of Cashel and of Dublin, and another dean of Kilkenny. But the others, including a former sheriff and justice in England, were possibly only in minor orders. If so, it is not a subject for regret. One of them had been accused of misconduct in England, and another was brother of a notorious evil-doer of whom notice will be taken in the next chapter. The will of one of the clerical justices, believed to have been only in minor orders, Master Hugh de Kyngsbury, survived, until recently, the ravages of six centuries, and from it a picture was to be obtained of the manner of clerks that attained to judicial rank. The will, which was dated 1270, being executed on January 19 and proved on October 3, was a formal legal document, witnessed by, amongst others, the chancellor of Ireland and the prior of the convent of the Holy Trinity, now represented by the cathedral of Christ Church in Dublin. Of the priory of the Holy Trinity the testator was a devoted son: his body was to be consigned to its churchyard and his possessions were left to its economy fund or to its dignitaries. He was owner of a house built of stone with cellars, and he makes special mention of utensils, "iron and otherwise," nets and timber contained in them, all of these with the house and rent from shops being left to the prior and convent. But his chief care was in the disposal of more personal

belongings, his silk girdle, well ornamented, and two rings which were left to the cross of the convent, his large cup of macer, which was left to the prior, his silver cup, which was left to the convent, his vase, well ornamented, which was left to the sub-prior, and his new cup of macer, which was left to the sacristan.<sup>1</sup>

An ecclesiastical record belonging to the see of Dublin throws stray flashes of light on the itinerant jurisdiction in the reign of Henry the Third, and particularly on the fact that the justices were wont to sit in banco. On the morrow of the close of the Easter term, 1242, Luke, archbishop of Dublin, and Henry Prudum had final concord in their dispute as to land at Delgany, near Dublin, before the justiciar and the justices in eyre, Sir Waleran de Welleslegh, Robert de Beauver, and Master Michael de Renville. On the morrow of the close of Easter term 1258, Geoffrey de Genville with Matilda, his wife, as lords of the liberty of Trim, and Hugh, bishop of Meath, had final concord touching the church of Trim before Sir Waleran de Welleslegh, Sir Alexander de Nottingham, Master William de Bakepuz, and Sir Richard de Exeter at Dublin. In 1262 on July 2, Sir Waleran de Welleslegh appears in the capacity of a justice in banco. In the quinzaine of Michaelmas 1264, William Waspayle with Emma, his wife, and Fulk, archbishop of Dublin, had final concord before Sir Alexander de Nottingham, Master William de Bakepuz, Sir Richard de Exeter, and Master Hugh de St. Albans. In 1267, within a fortnight of St. John the Baptist's day, Fulk, archbishop of Dublin, and Hugh Bere had final concord before Sir Alexander de Nottingham, Master William de Bakepuz, and Griffin Fitzalan. Finally, sources of exceptional revenue for the justices become apparent, Sir Waleran de Welleslegh taking ten marks for himself from one Robert Long, who had been fined with his son, Walter Slab, sixty marks

<sup>1</sup> Christ Church Deeds, 513.



for robbery, on the ground that he had an interest in the place where the robbery was committed, and also accepting money from one William Algare, who had illegally taken a horse to pay a debt.<sup>1</sup>

The barons of the Exchequer, who were then always clerks, were men of affairs with special training. One had been a servant of the crown all his life with charge at one time of the Jews' exchequer; another, who was of Scandinavian origin, had been the king's proctor at Rome; a third, as has been mentioned, became chancellor; and a fourth had been chamberlain of the exchequer before his promotion to the place of baron. Of these, two were in full orders, one being a canon of Dol.

Of the men who held judicial offices in Henry the Third's reign few can have been of Irish birth, and nearly all, from their names, must have been of English descent. The sea had marvellously little terror for Englishmen at that time, and in spite of the danger of travel by land as well as by sea, an occupant for every vacant judicial seat in Ireland was found amongst Englishmen who were prepared to face the risk, or amongst those who had already faced it for a minor office. As an instance of the indifference with which the journey was regarded, the case of Ralph de Norwich may be cited: by him, at the beginning of his career, the Irish sea was crossed no less than five times in six years. So far as is known, the income of the chancellor was but sixty marks, and that of an itinerant justice forty or fifty marks, but much more came, no doubt, from exceptional sources. Comfort in Ireland cannot have been great, but it could to some extent be obtained by forcing the litigants to itinerate instead of the justices. In 1256 the archbishop of Tuam, his suffragans, and their tenants found a grievance, as they told the king, in being "dragged from their province and counties to remote places for the purposes of litigation."<sup>2</sup>

<sup>1</sup> Liber Niger. *passim*.

<sup>2</sup> Cal. Doc. Ir., ii. 503.

## CHAPTER II

### EVOLUTION

SOVEREIGNS—EDWARD I AND II. YEARS—1272 TO  
1327

THE period covered by the reigns of Edward the First and Edward the Second saw the establishment in Ireland of the three courts of common law that survived under the names of the King's Bench, the Court of Common Pleas, and the Exchequer until the latter half of the nineteenth century. At first the tribunal known afterwards as the King's Bench was referred to in circumlocutory fashion by the legal proceedings of which it disposed, namely, the pleas following the king's justiciar, *placita nostrum justiciarum Hiberniae sequentia*, but the tribunal known afterwards as the Court of Common Pleas had the advantage then of a more concise designation, namely the Bench. In the development of these courts, English precedent was followed, and considering the difficulty of communication between the two countries and the difference of conditions in them, the process of imitation was far more rapid than might have been expected. The Bench emerged with a chief and three puisne justices in 1276; the pleas following the justiciar were brought under the adjudication of a qualified justice, who sat with the justiciar, in 1290, and of a chief and one or more puisne justices in 1324; and the Exchequer appeared with a first and one or more puisne barons in 1309.

The pleas following the justiciar are defined by the

last deputy keeper of the records in Ireland <sup>1</sup> as those of high treason, petty treason, and felony as well as those relating to franchises and liberties. The tribunal had also cognizance of criminal trials and of writs of novel disseisin, of mort d'ancestor, of right, of natives, and of fugitives. Appeals on writs of error from other courts were heard before it. Although in some cases the larger settlers had the right of trying pleas of the crown, the pleas of forestalling, rape, arson, and treasure-trove, were always reserved. Like the itinerant tribunal, the justiciar's court visited in turn the various parts of the country subject to English law. As a rule the justiciar presided in person, and as the deputy keeper tells us, when perambulating the country, he was preceded by the chancellor, or a deputy, to make out the writs, as well as by a purveyor to provide lodging and sustenance, and was accompanied by clerks, pleaders, and law officers, as well as by his usual viceregal retinue and military guard.

The constitution of the Bench, following English precedent, did not at first interfere with the itinerant jurisdiction, and during the greater part of the period under review justices in eyre continued to function. The work was then divided between several courts; one or more acted in the south of Ireland, and one or more in what may be called the home counties. The justices of the Bench were in some cases, at least, liable to serve. In the patent appointing the first chief justice of the Bench, which was issued in 1274, it is provided that besides holding the king's pleas in the Bench at Dublin, he should "go on eyre for common pleas in that land as had been customary in times past," and ten years later, in 1284, a king's letter decreed that in consideration of his long service he should in the future stay in the Bench "as chief justice thereof and should

<sup>1</sup> Mr. Herbert Wood in his learned treatise on The Office of Chief Governor of Ireland.

not be troubled with his office elsewhere in Ireland against his will.”<sup>1</sup> Besides serving in the itinerant courts the justices in Ireland began, towards the close of the thirteenth century, to be employed like their brethren in England on commissions of assize. By degrees these commissions and those of gaol delivery and of oyer and terminer superseded the itinerant courts, the gradual process of change being seen in the appointment in 1308 of a magnate as “chief justice *in eyre* in Ireland,” and in 1319 of another as “chief justice of *assizes* in the king’s counties of Munster and crosses of Leinster.”<sup>2</sup>

The qualification of justices in England up to this period is involved in great obscurity, and needless to say the qualification of the justices in Ireland is covered by a cloud of impenetrable darkness. But as this period advances the beginning of the present order is seen. Laymen appear as pleaders for the crown and for the subject, and on attaining to eminence in their profession they are found raised to a judicial seat. But as justices, clerks appear still mingled with the professional laymen, and in the Exchequer as barons, they retained a predominance.

In reviewing the judicial characters during this period it will be convenient to divide them into several sections. With regard to the appointments which have first to be noticed the responsibility largely rested on the chancellor of England, Robert Burnell, bishop of Bath and Wells, who enjoyed the confidence of Edward the First in a remarkable degree. Seven years before Edward came to the throne, while he bore the title of lord of Ireland, Burnell had gone in his service to that country and had established a connexion with it as a landowner, and as one who had acted in the capacity of an Irish justice of assize.<sup>3</sup> The first step in which his

<sup>1</sup> Pat. Rolls, Edw. I, i. 61; ii. 119.

<sup>2</sup> Ibid., Edw. II, i. 78; iii. 332.

<sup>3</sup> Ibid., Hen. III, v. 422; Cal. Doc. Ire., ii. 1177.



influence in regard to Irish appointments became probably effective was in the nomination of a man of high social rank, a scion of one of the mightiest of the mighty Anglo-Norman families, to the position of chancellor. This favourite of the king, for such Thomas de Clare was, had endeared himself to Edward, while prince, by assisting him to escape from the yoke of the Earl of Leicester, and he was the recipient of a grant of Irish territory, the association of which with him is recognized in the name of one of the Irish southern counties. His three years' occupancy of the office of chancellor was sufficiently long to leave on it a reflection of his magnificence. As his successor in 1276, Fromund le Brun returned to the office with increased distinction, and after le Brun's death in 1283 the bishop of Meath, Walter de Fulburn, a nephew of the justiciar and a great personage, was not reluctant to undertake the duties. In the time of de Fulburn, whose salary was forty pounds a year, complaints were made as to the state of the chancery. Only a single assistant was employed, and he was so ignorant that the writs were very defective in matter and form, and became a subject of complaint in the Bench and elsewhere. There were also murmurs as to the excessive fees charged for them.<sup>1</sup> In consequence probably of these complaints de Fulburn was replaced, in 1288, by a clerk who had been in the employment of the crown in England, William de Beverley, and after the latter's premature death, in 1291, by another clerk, Thomas Cantock, who became bishop of Emly.<sup>2</sup>

That Thomas de Clare and William de Beverley were personal friends of Burnell may be presumed from letters, which they addressed to him,<sup>3</sup> and there is even

<sup>1</sup> Cal. Doc. Ire., iii. 2.

<sup>2</sup> In lists of the chancellors under the year 1294 Adam Wodington is given, but no other mention of such a person has been found.

<sup>3</sup> Cal. Doc. Ire., ii. 2365 ; iii. 672, 1181.

stronger reason on the same ground for such a presumption in the case of those who were first appointed to the Bench. The first chief justice was a knight, Robert Bagot, and the first puisne justices were two clerks in full orders, Richard de Northampton and Thomas de Cheddesworth, and a layman, Robert de Braham. As a member of a family that had been established in Ireland as landowners for one or two generations, Robert Bagot had a position apart from his judicial one. He had served as sheriff of the county of Limerick and as a constable of Limerick Castle, and owned near the mediæval city of Dublin a castle called Bagotrath, the memory of which survives in Dublin street nomenclature. Of Richard de Northampton, little is known beyond the fact that when appointed to the Bench he was dean of Ferns and that he became bishop of that see, but Thomas de Cheddesworth figures in the history of that time as a man of parts who remained in the Bench for over thirty years, holding simultaneously the deanery of St. Patrick's Cathedral and having the archbishopric of Dublin more than once within his grasp. His relations to Burnell, and incidentally, those of Bagot to Edward's favourite, may be seen from the following letter :

Venerabili patri in Christo Domino suo sub universo celi ambitu Karissimo, Domino R. dei gratia Bathon' et Well' Episcopo, Suus si placet devotus clericus Thomas de Chedd' se ipsum in omni genere famulatus et subjectionis. Cum dilectus et specialis amicus vester Dominus R. Bagod circa custodiam quam ei conferri a Domino nostro Rege dudum impetrastis varios sumptus apposuerit circa terrarum meliorationem, nullumque emolumentum sit assecutus, set omnia que apposuit per mortem infantis qui unicus erat heres patris sui totaliter amisit, et terra illa ad hominem plene etatis est deuoluta. Et quia predictus Dominus Robertus de solita vestra benignitate sibi cupit in presenti prouideri, poteritis si placet in Manerio de Swerdes sibi de alia warda et maritagio heredum prouidere, et ut illius

custodie valor vestre dominacioni innotescat, extentam quam post mortem Willelmi de Aueny fieri feci vestre paternitati presentibus literis transmittito inclusam; labor igitur quem in seruicio domini nostri Regis apponit et diligens affectio quam habet ad ejusdem obsequium ad presens considerentur. De uniuersis mihi per vos exhibitis vobis regratior puro corde, supplicans humiliter ut mihi vestro [*sic*] in omnibus que vestre placuerint celsitudini imperetis. Conseruet vos deus venerande pater per tempora diuturna. Datum apud Finglas In crastino sancti Nicholai Anno regni domini nostri Regis Edwardi sexto.<sup>1</sup>

So much for the relations of Bagot and de Cheddesworth with Burnell, and now, turning to Richard de Northampton, an expression of extraordinary respect for the English chancellor is found in a letter which the former sent to him in 1285 on the Monday of Pentecost week. The subject of the letter was an alleged infringement of the rights of the Irish ecclesiastical courts, and while it is with grief that de Northampton tells Burnell of the insolent and novel attack made upon them, it is with no less confidence that he appeals to Burnell, as "the firmest pillar of ecclesiastical liberty," to provide a remedy.<sup>2</sup>

Successors or assistants to the first justices of the Bench follow in rapid succession. Between 1279 and 1284 there appear as serving in it, in addition to Bagot, de Cheddesworth, and de Braham, a knight who had shown prowess on an Irish battlefield, a former sheriff and justice of gaol delivery in England, a Meath landowner, a former chirographer of the court, and an ex-justice of the courts of Westminster, who was granted a seat next to the chief justice, but who soon returned to the comfort and security of his English home. Meanwhile, in the Exchequer there are found

<sup>1</sup> Inquisitions post mortem, Chancery, Edw. I, file 20, no. 10, in Pub. Rec. Off.

<sup>2</sup> Cal. Doc. Ire., iii. 49.



as barons an Irishman "who had come to the peace," a prebendary of Emly, and a clerk in minor orders.

A fresh stage in the improvement, unification, and extension of the administration of the English legal system in Ireland is marked by the appointment in 1290 of the first justice to hold the pleas following the justiciar, *justiciarius assignatus ad placita nostrum justiciarium Hiberniae sequentia tenenda*. He was a knight, Sir Walter l'Enfant, no less distinguished in the field than in the council. Four years later, in 1294, he was superseded in favour of another knight, Sir Walter de la Haye, who had long served as a justice itinerant and held the office of escheator. Owing probably to weak sight from which he suffered, de la Haye retired in four years, and l'Enfant was re-appointed and continued to discharge the duties until 1309 with the help of deputies.

The proceedings before these precursors of the justices of the King's Bench are in no sealed book, and can be read in all the clarity of twentieth-century printing. As has been said by high authorities, the two volumes in which the "Justiciary Rolls of Edward the First" are contained must ever remain a work of the first importance for the history of English law and a monument to the learning of their editor.<sup>1</sup> They open with an account of the proceedings before the court sitting at Limerick on Monday after the Octave of St. Hilary in 1295. These proceedings are typical of those in other places. They included the hearing of five pleas, the trial of eleven prisoners, and the granting of the king's peace to forty-five accused persons in order that they might "communicate with the king's faithful people until Easter." The decisions indicate a tendency to compromise and mercy. Of the pleas, several of which were against persons who had held the office of sheriff for misfeasance, one

<sup>1</sup> Eng. Hist. Rev., xxii. 158; xxx. 125.

was adjourned, another was dismissed, and three terminated in an agreement, and in the case of the prisoners one, being a clerk, was delivered to the bishop, another was fined, a third was hanged, and eight were acquitted.

The office of chancellor was still held in 1306 by Thomas Cantock. He became then bishop of Emly, and is said to have feasted "great numbers of the nobility, clergy and others," who attended his consecration, with a magnificence that was "unheard of in those times." As chief justice of the Bench, after over twenty years' service, Sir Robert Bagot had made room in 1298 for an English lawyer, Simon de Ludgate, and the latter had been succeeded in 1302 by a second Sir Richard de Exeter. He was a son of the first knight of the name, who had risen to a great position, acting as deputy justiciar and taking a prominent part in the subjugation of Connaught, and he had inherited from his father vast possessions in the western province. The puisne justices continued strangely varied in origin and occupation. They include between 1295 and 1309 landowners in Lincolnshire, Dorsetshire, Essex, and Somersetshire, a prebendary of St. Patrick's Cathedral, knights who had rendered good service against the Irish, an official of the Westminster courts, and a keeper of the king's demesne lands in Ireland, while two could claim to have gained fitness for the Irish bench as advocates for the crown in that country. In the Exchequer amongst the barons in those years there are found a former sheriff and seneschal, a clerk who became parson of a Lincolnshire church, a clerk who had been "keeper of the queen's timber works" in Ireland, a clerk who became bishop of Ely, and a clerk who was a pluralist in lands as well as in benefices.

Although the Anglo-Norman settlement in Ireland was shaken to its foundation by the Bruce invasions

in the midmost years of Edward the Second's reign, the legal system introduced by King John took then the form that it preserved for six centuries and persons of increasing importance and knowledge were nominated to the judicial seats. On the death of Cantock in 1309, a clerk in full orders, Walter de Thornbury, who had been executor of the father of Roger de Mortimer, first Earl of March, and was a landowner in Herefordshire, succeeded to the office of chancellor. In the hope of securing also the archbishopric of Dublin, he set out four years later, in that year of double ill-omen, 1313, to wait on the king and was drowned with a hundred and fifty other persons on the voyage to England.<sup>1</sup> After his death the duties of chancellor were discharged for some months by a prelate, William Fitzjohn, then bishop of Ossory, and afterwards archbishop of Cashel, but in the summer of 1314 the office was formally committed to another clerk, Richard de Bereford, who had been treasurer in Ireland and a justice itinerant and ecclesiastical beneficiary in England. In 1314 he was deposed in favour of his temporary predecessor, William Fitzjohn, and in 1322 Fitzjohn was in his turn deposed in favour of the Prior of Kilmainham, the head of the Hospitallers or order of St. John of Jerusalem in Ireland, Roger de Utlagh.

A pre-eminence in the Exchequer was given in 1309 to the baron noticed as an ecclesiastical pluralist, Walter de Islip, and in 1311 he made room for William de Moenes, whose patronymic survives in the name of a Dublin suburb, Rathmines, formerly known as Moenesrath. To him as chief baron there succeeded in 1313 Nicholas de Balscote, who was chancellor of the exchequer and archdeacon of Glendalough. He incurred his sovereign's displeasure, under which he sank, and in 1319 Richard Broun, an exchequer clerk and prebendary of Ossory, appears in his judicial seat.

<sup>1</sup> Chartulary of St. Mary's Abbey, ii. 342.

But Broun was superseded four years later, in 1324, in favour of another clerk in full orders, Adam de Hercwynton, who had figured in the train of great personages and had held the place of keeper of the rolls at Westminster, and of a commissioner of oyer and terminer in England. To English ecclesiastical preferment he added Irish, and returned to his home in Worcestershire six years later laden with wealth as well as honour.

On the death of the second Sir Richard de Exeter in 1323, an English lawyer, Sir Richard de Willoughby, was sent to fill the place of chief justice of the Bench. He was a landowner in Nottinghamshire, which he represented in Parliament, and founded a chantry in the church of Willoughby in that shire. His death took place two years after his appointment to the Irish bench, in 1325, and he was succeeded by another English lawyer, who had been sent over to serve under him as a puisne justice, Henry de Hambury. Like Willoughby, he was a landowner, but in Worcestershire, and founded chantries at Hambury in that shire, and at Tutbury in Staffordshire. After his departure from Ireland, which took place in 1327, he was given a seat in the English King's Bench and survived for many years.

But the greatest event in judicial Ireland in the reign of Edward the Second, was the appointment towards its close of a chief justice of the pleas following the justiciar. The first to hold that office was Sir Nicholas Fastolf, who was an ancestor of the historical figure in whom some believe that Shakespeare found the character of Falstaff. As a Norfolk landowner of wealth and distinction, Sir Nicholas Fastolf had represented the borough of Great Yarmouth in parliament, and he was qualified to act as a justice itinerant. In Dublin he occupied a residence of much importance in Rochel-street, near the castle, and made a special contract with the mayor and bailiffs for a supply of

water which was brought from a cistern that had been erected for the use of ex-Chief Baron Islip.<sup>1</sup>

As regards those who filled during the reign of Edward the Second the puisne seats in the several courts there is little change to be noted. It is true that in the Bench clerks began to disappear, and in the Exchequer a leaven of laymen is observable, but in the justiciar's court men of military life continued to jostle more legitimate members. In one case the character of a new judge was not impeccable, for although thought not unfit for a seat in the Exchequer of Ireland, Adam de Stratton had been dismissed from the Exchequer of England as a consequence of his having been convicted of forgery, fraud, and other delinquencies.<sup>2</sup>

<sup>1</sup> Gilbert's Dublin, i. 414.

<sup>2</sup> The Red Book of the Exchequer, iii. cccxv.



## CHAPTER III

### PROTOTYPES

SOVEREIGN—EDWARD III. YEARS—1327 TO 1377

THE life and environment of a lay member of the Irish judicial bench at the beginning of this period are illustrated in the footprints of John de Grauntsete, who was appointed a baron of the Exchequer just a year before the death of Edward the Second. He was a native of Cambridgeshire, deriving his patronymic from Grantchester in that shire, and in the opening years of the fourteenth century he is found acting as attorney for landowners in the vicinity of his home, including the bishop of Ely and a follower of the earl of Lincoln.<sup>1</sup> Before 1308 he had settled in Dublin as the husband of an heiress of that city, Alice de Morton. She was the daughter of a member of the Anglo-Norman colony, who had attained to wealth as a shipowner trading with England, Scotland, and France, and as a purveyor to the king, and who was prominent as one on whom his fellow-citizens had conferred the highest honour in their power, that of election to the mayoral chair.<sup>2</sup>

Through his wife, de Grauntsete became owner of house property in Dublin, to which several references are made in the patent rolls. It was situated close to the only bridge that then crossed the river Liffey near the city, and it abutted on the city wall, at one time to such an extent as to interfere with free passage upon it. Amongst the tenements there were the civic fish-

<sup>1</sup> Pat. Rolls, Edw. I, iv. 45, 50, 113.

<sup>2</sup> Dr. Berry's Mayors of Dublin.

house, a building fifteen feet square, and over it a dwelling of stone and timber, which de Grauntsete on his part covenanted to keep dry and waterproof, and the civic authorities on their part undertook to save from any injury that their fishermen might cause. On the city wall de Grauntsete had to leave a passage three and a half feet wide, crenellated and embattled, and in return he was permitted to pierce the wall for the purposes of windows, slots, and a sewer. At a later period he appears as owner near the bridge of two crenellated and turreted towers, which had been partly built by his father-in-law, and were to be completed by him.<sup>1</sup> Besides he was possessed of a holding in the heart of the city, in Castle-street, near St. Werburgh's church, and of curtilages in the suburb of Oxmantown, on the north side of the Liffey, near St. Michan's church.<sup>2</sup>

He appears in 1320 receiving a retainer to give legal advice to a landowner near Dublin, and he had probably practised in that city as a lawyer from the time of his marriage. His professional qualifications were high, for though he was appointed in 1326 to the calm of the Exchequer, he was transferred within twelve months to the strenuous life of second justice of the Bench. While holding the latter seat, in the summer of 1329, he committed what was, in the eyes of the justiciar of the time, a heinous offence, for which he was dismissed with ignominy from office, imprisoned and fined five hundred marks. The offence was committed in the justiciar's court while he was acting as the advocate and friend of William de London in a suit with Walter de Islip, the ex-chief baron, and consisted in his having produced letters of excommunication from the pope, thus drawing away "the king's jurisdiction to the court Christian," and in his having ordered a notary public,

<sup>1</sup> Pat. Rolls, Edw. II, iv. 330; Edw. III, ii. 98.

<sup>2</sup> Christ Church Deeds, 233, 596.



whom he brought into the court, to prepare, upon his oath tendered to the Roman court, an instrument founded on the letters of excommunication, "contrary to the prohibition of the justiciar." But of this offence the king did not think it politic to take so serious a view as the justiciar, and at the close of the year a royal pardon to de Grauntsete issued and an order was given that he should be reinstated in the Bench and that any portion of the fine that he had paid should be returned to him.<sup>1</sup> During the next year, 1330, he visited England, and while there he obtained a further remission of money due by him to the crown.<sup>2</sup>

Under another justiciar, in 1331, he became second justice of the justiciar's court, and in the following year he visited England again in the company of the chief justice of the Bench to discuss with the king a topic that has not been unfamiliar to later sovereigns, the condition of Ireland. Afterwards he appears as custodian of one of the great strongholds near Dublin, Leixlip Castle, with the fisheries at the Salmon Leap and the mills thereto appertaining, and on visiting England once more, in 1334, he received a pardon for acquiring land while holding office, then an offence, and an exemption from service on assizes and other obligations of a landowner.<sup>3</sup>

But de Grauntsete's position as a churchman is specially worthy of notice. After the death of his wife, which occurred in or before 1335, in return, no doubt, for some great benefaction on his part, the prior and convent of Holy Trinity Church, now Christ Church Cathedral, ordained that he and his late wife might participate in the masses and other devotions as fully as the founder of the church. They bound themselves

<sup>1</sup> Pat. Rolls, Edw. III, i. 471, 475; ii. 97.

<sup>2</sup> Ibid., i. 546; ii. 4.

<sup>3</sup> Close Rolls, Edw. III, ii. 386, 483; iii. 256; Pat. Rolls, Edw. III, iii. 14, 26, 28.

to provide two canons to celebrate the divine office for his health whilst he lived, and for his soul after he died, and for the soul of his wife; one canon to celebrate daily the Mass of the Virgin with special collects for him and his wife in a place not specified, and the other canon to celebrate Mass in the like manner before the holy cross. The anniversaries of de Grauntsete and his wife were to be celebrated with the same solemnity as that of the founder of the church on the Assumption of the Virgin and in June, and every mass book was to contain near the secreta the inscription: "Pray for John de Grauntsete and Alice his wife." This ordinance was directed to be entered word for word in the Martyrology, and a gold ring with a precious stone and a silver chain, presented by de Grauntsete, was ordered to be suspended from the holy cross.<sup>1</sup>

As well as the priory of the Holy Trinity the great house of the Hospitallers at Kilmainham benefited by de Grauntsete's benevolences, and there in return he was received, after his wife's death, as a permanent guest with his suite. At first his suite comprised a squire, a chamberlain, and a groom, but to these were added, after a further benevolence had been bestowed, a priest and a second groom. In addition to his suite he had kept for him at first two and afterwards three horses. He had the right of dining in the hall at the prior's table, but he had separate quarters and, if he wished to have his meals in them, he was sent, bread, beer, and meat for himself and the chief members of his suite.<sup>2</sup>

His good works did not cease until the close of his life. In 1347 he received a licence from the prior of Holy Trinity Church to substitute the erection of a chapel in St. Michan's churchyard for certain meritorious works which he had undertaken to perform before an

<sup>1</sup> Christ Church Deeds, 225.

<sup>2</sup> The Hospitallers at Kilmainham and their Guests, by Charles McNeill, Jour. Roy. Soc. Ant., Ire., liv. 22.

image of the Virgin on the Bridge at Dublin, but in regard to the latter there would seem to have been a set-off, inasmuch as for six years de Grauntsete had taken oblations which pious people were wont to place before the image.<sup>1</sup>

The difficulty in treating of the judiciary in the reign of Edward the Third is considerable owing to the multiplicity of appointments and the frequency with which many of the persons appointed changed their seats. Besides those included in the Succession, several for whom patents were issued have been omitted, as they are shown not to have acted, and a few of those included ought possibly not to have been so for the same reason. In the case of the chancellors, the average duration of office was exactly two and a half years, in the case of the chief justices of the pleas following the justiciar, not more than two years, in the case of the chief justices of the Bench not more than five years, and in the case of the chief barons of the Exchequer not more than three years. Of the chancellors one had four and three had two terms of office ; of the chief justices of the pleas following the justiciar, three had four and three had two terms of office ; of the chief justices of the Bench one had two terms of office ; and of the chief barons three had two terms of office. One judicial personage acted twice as chief justice of the pleas following the justiciar and once as chief justice of the Bench ; three judicial personages acted once in each of those seats ; and one judicial personage acted twice as chief justice of the pleas following the justiciar and once as chief baron of the Exchequer, and another acted once as chief justice of the Bench and twice as chief baron of the Exchequer.

The fourteen holders of the office of chancellor comprised five priors of the Hospitallers, Roger Utlagh, John l'Archer, John de Frowyk, Thomas de Burley, and

<sup>1</sup> Christ Church Deeds, 236.

William Tany ; two archbishops of Dublin, John de St. Paul and Robert de Wikeford ; two bishops, one of Hereford and the other of Waterford, Thomas de Charlton and Thomas le Reve ; three clerks in the employment of the crown, Adam de Lymbergh, Robert de Askeby, and John de Botheby ; and two knights, John Morice and Robert de Assheton. Amongst these the bishop of Hereford, Thomas de Charlton, and Sir Robert de Assheton are pre-eminent. The bishop of Hereford, who went to Ireland as chancellor in 1337, on the appointment of his brother, Lord Charlton, as justiciar, had before then served as keeper of the privy seal, treasurer of England, and keeper of the Marches of Wales, and a year after his arrival in Ireland he succeeded his brother in the government. Turning to Sir Robert Assheton, who went to Ireland as chancellor in 1364, while Lionel, Duke of Clarence, was king's lieutenant of that country, we find him acting previously as governor of Guienne, and subsequently as constable of the castle of Sandgate near Calais, admiral of the west, justiciar of Ireland, and treasurer of England. Before going to Ireland as chancellor he had raised forty archers towards a guard for the Duke of Clarence, and he was provided himself as chancellor with a guard of six men-at-arms and twelve mounted archers, a protection which none of his predecessors had enjoyed, but which his successors successfully claimed in right of the precedent established by him.

The offices of chief justice of the pleas following the justiciar, chief justice of the Bench, and chief baron of the Exchequer were held by thirty-six judicial personages. Some of these served also as judges in England. One, Sir William de Skipwith, was sometime there chief baron as well as a justice of the Common Bench ; three, Henry de Hambury, Robert de Scardeburgh, and Sir William de Notton, were sometime there justices of the King's Bench ; and one, Sir Henry de



Motlowe, was sometime there a justice of the Common Bench. Others had acted in England in a minor judicial capacity. One, Sir Nicholas de Fastolf, was an English justice itinerant, and five, John de Braideston, Sir Peter Tilliol, Thomas de Louth, John de Rednesse, and Sir Godfrey Foljambe, were English commissioners of oyer and terminer or for other legal duties. An increasing number of judges who had acted in Ireland as advocates for the king is observable. Amongst those who held a chief seat there appear with that qualification no less than five, Sir Simon Fitzrichard, Thomas de Dent, Sir Robert de Preston, William le Petit, and John Keppok.

Some of the chief judges served prior to their appointment to that position as puisne judges, and sometimes they resumed the lower rank after vacating the first place. Amongst the puisne judges who failed to obtain promotion there was none of any note except one of the puisne barons, Thomas Minot, who became archbishop of Dublin. In the position of puisne baron it was still the exception to find a layman, and in the office of keeper of the rolls in chancery, afterwards known as the mastership of the rolls, which became a patent office in 1333, none but clerks appear. On the other hand, in the justiciar's court, almost all the justices, chief and puisne, were laymen, and in the Bench, with a few exceptions, in each rank, laymen are also found.

During the viceroyalty of Lionel, Duke of Clarence, in the year 1364, the Exchequer was moved to Carlow. This change was probably made to obtain a more central situation in the portion of Ireland then under English rule, but it proved unwise as afterwards a state of war prevailed in the midlands. In 1367 one of the barons, John Brettan, was given a special grant because he had travelled between Dublin and Carlow when others holding that office did not dare to do so, as well as

<sup>1</sup> Pat. Rolls, Edw. III, xiii. 23.

because his house in Carlow had been burned and his goods spoiled on an occasion when the Irish of Leinster had successfully raided the town, and in 1374 another of the barons, William de Karlell, was compensated for the loss of a horse, worth five pounds, which had been taken from him while travelling from Carlow to Drogheda.<sup>1</sup> At the same time the chief baron, Sir Robert Holywode, was living in comparative security near Dublin. In 1373 he received a licence to found a chantry of five chaplains to celebrate divine service in his parish church in Fingal, and in 1376 a further licence was given to him to enable the chaplains to elect a warden or master. As a return for the royal favour, they were to pray for the souls of Phillipa, the king's mother, and Joan, the king's late consort, as well as for Sir Robert and his wife, Nesta, and the soul of his late wife, Joan.<sup>2</sup>

<sup>1</sup> Lib. Mun. Pub. Hib., ii. 213.

<sup>2</sup> Pat. Rolls, Edw. III, xv, 338; xvi. 341.

## SUCCESSION

### OF THE

CHANCELLORS AND DEPUTY CHANCELLORS, KEEPERS OF THE ROLLS, JUSTICES ITINERANT, CHIEF JUSTICES AND JUSTICES OF THE JUSTICIAR'S COURT, CHIEF JUSTICES AND JUSTICES OF THE BENCH, AND CHIEF BARONS AND BARONS OF THE EXCHEQUER APPOINTED TO THE JUDICIAL BENCH IN IRELAND FROM THE REIGN OF HENRY III TO THAT OF EDWARD III, 1221-1377

### CHANCELLORS AND DEPUTY CHANCELLORS

- 1232. Ralph de Neville, bishop.
- 1232. *Deputy* Geoffrey de Turville, clerk.
- 1234. *Deputy* Robert Luttrell, clerk.
- 1245. Robert Luttrell, clerk.
- 1246. Geoffrey de Wulward, clerk.
- 1249. Ralph de Norwich, clerk.
- 1257. John de Bruningfald, clerk.
- 1268. Fromund le Brun, clerk.
- 1273. Thomas de Clare, knight.
- 1276. Fromund le Brun, clerk.
- 1283. *Substitute* Adam de Fulburn, clerk.
- 1283. Walter de Fulburn, bishop.
- 1288. William de Beverley, clerk.
- 1291. Thomas Cantock, bishop.
- 1309. Walter de Thornbury, clerk.
- 1314. *Substitute* William Fitzjohn, bishop.
- 1314. Richard de Bereford, clerk.
- 1316. William Fitzjohn, bishop.
- 1317. Nicholas de Balcote, clerk.
- 1317. William Fitzjohn, archbishop.
- 1322. Roger Utlagh, prior.
- 1331. Adam de Lymbergh, clerk.



- 1332. Roger Utlagh, prior.
- 1334. Adam de Lymbergh, clerk.
- 1336. Roger Utlagh, prior.
- 1337. Thomas de Charlton, bishop.
- 1338. Roger Utlagh, prior.
- 1341. Robert de Askeby, clerk.
- 1342. John l'Archer, prior.
- 1346. John Morice, knight.
- 1346. John l'Archer, prior.
- 1350. John de St. Paul, archbishop.
- 1356. John de Frowyk, prior.
- 1359. Thomas de Burley, prior.
- 1364. Robert de Assheton, knight.
- 1367. Thomas le Reve, bishop.
- 1368. Thomas de Burley, prior.
- 1370. John de Botheby, clerk.
- 1374. William Tany, prior.
- 1376. Robert de Wikeford, archbishop.<sup>1</sup>

#### KEEPERS OF THE ROLLS

- 1333. Edmund de Grymesby, clerk.
- 1334. William de Bardelby, clerk.
- 1337. Robert de Hemmyngburgh, clerk.
- 1346. William de Whithurst, clerk.
- 1350. Robert de Leycestre, clerk.
- 1356. Thomas de Cotyngham, clerk.
- 1372. Thomas de Thelwall, clerk.
- 1374. Robert Sutton, clerk, and Thomas de Everdon, clerk.

#### JUSTICES ITINERANT

- 1221. Thomas Fitzadam.
- 1221. Bartholomew de Camera, clerk.
- 1228. John Marshal, baron.
- 1228. Richard Duket, clerk.

<sup>1</sup> Of those who acted as deputy chancellor for brief periods a definitive list is impossible. Amongst them are said to have been in 1305 and 1309 John Cantock, in 1339 Hugh de Burgh, in 1342 and 1346 Roger Darcy, in 1349 Thomas de Bowes, in 1350 William de Bromley, in 1359 Brother John de la Mora and William Drayton, and in 1375 John Keppok.

- 1228. Simon de Hale.
- 1242. Waleran de Welleslegh, knight.
- 1242. Robert de Beauver.
- 1242. Michael de Renville, clerk.
- 1247. Hugh de Lega.
- 1247. Robert de Shardelowe, clerk.
- 1247. Walter Folyot.
- 1252. Geoffrey de St. John, bishop.
- 1252. Peter de Repenteny.
- 1258. Alexander de Nottingham, knight.
- 1258. William de Bakepuz, clerk.
- 1258. Richard de Exeter, knight.
- 1260. Hugh de Kyngsbury, clerk.
- 1260. Robert Fitzwarin.
- 1260. Arnold de Berkeley.
- 1261. Philip de Hynteberg.
- 1264. Hugh de St. Albans, clerk.
- 1266. Griffin Fitzalan.
- 1269. William de Castre, knight.
- 1270. Henry de Stratton, clerk.
- 1272. Richard Fitzjohn, knight.
- 1275. Walter de la Haye, knight.
- 1276. Richard de Northampton, bishop.
- 1278. Roger Andrew.
- 1285. Eustace le Poer.
- 1286. Walter l'Enfant, knight.
- 1289. William de Barry, knight.
- 1289. Robert de Hastings, knight.
- 1291. Thomas Darcy.
- 1295. John de Ponte, clerk.
- 1302. William Alysaundre.
- 1302. William le Devenys, clerk.
- 1305. Thomas St. Leger, bishop.
- 1307. John de Fresingfeld, knight.
- 1308. Walter de Cusake.
- 1319. Adam le Breton.

## CHIEF JUSTICES OF THE JUSTICIAR'S COURT

- 1324. Nicholas Fastolf, knight.
- 1327. Henry de Hambury.
- 1328. Nicholas Fastolf, knight.

- 1330. Elias de Assheburn, knight.
- 1331. Peter Tylliol, knight.
- 1332. Thomas de Louth.
- 1333. Robert de Scardeburgh.
- 1334. Thomas de Louth.
- 1337. Elias de Assheburn, knight.
- 1337. Thomas de Louth.
- 1337. Elias de Assheburn, knight.
- 1338. Thomas de Louth.
- 1338. Elias de Assheburn.
- 1341. Thomas de Dent.
- 1344. Robert de Scardeburgh.
- 1345. John le Hunte.
- 1346. Henry de Motlowe, knight.
- 1346. John de Rednesse.
- 1351. Godfrey Foljambe, knight.
- 1354. John de Rednesse.
- 1356. Richard de Wirkeley, prior.
- 1356. John de Rednesse.
- 1359. William le Petit.
- 1359. John de Rednesse.
- 1361. William de Notton, knight.
- 1363. Richard White.
- 1365. Thomas de la Dale, knight.
- 1367. John Keppok.
- 1370. William de Skipwith, knight.
- 1372. John Keppok.<sup>1</sup>

#### JUSTICES OF THE JUSTICIAR'S COURT

- 1290. Walter l'Enfant, knight.
- 1291. *Deputy* John de Malton.
- 1294. Walter de la Haye, knight.
- 1298. Walter l'Enfant, knight.
- 1301. *Deputy* John de Fresingfeld, knight.
- 1306. *Deputy.* The same.
- 1309. David le Blond.
- 1311. William Alysaundre.
- 1315. Hugh Canoun.

<sup>1</sup> The following were also appointed but did not act: Adam de Bowes in 1331, Robert de Bouchier in 1334, and Nicholas Gower in 1356.

- 1315. William de Bardefeld.
- 1318. Walter de Wogan.
- 1318. *Extra* Roger de Berthorpe.
- 1319. *Extra* John de Wogan.
- 1319. *Extra* Thomas Ace.
- 1325. Henry de Hambury.
- 1325. Gilbert de Singleton.
- 1326. Roger de Preston.
- 1327. Elias de Assheburn, knight.
- 1331. John de Grauntsete.
- 1331. John de Skelton.
- 1333. Roger de Preston.
- 1334. John de Kirkbythore.
- 1337. Thomas de Dent.
- 1338. John de Midleton.
- 1344. Godfrey Foljambe, knight.
- 1344. John le Hunte.
- 1350. Thomas de Stirkland, knight.
- 1350. Humphry Sturdy.
- 1351. Hugh de Malton.
- 1351. Richard le Broun.
- 1351. John de Rednesse.
- 1354. John de Kent.
- 1356. John de Halydon.
- 1357. Peter Malorre, knight.
- 1360. Nicholas Lumbard.
- 1370. John Keppok.
- 1374. Nicholas de Moenes.
- 1376. John Tirel.

## CHIEF JUSTICES OF THE BENCH

- 1274. Robert Bagot, knight.
- 1298. Simon de Ludgate.
- 1302. Richard de Exeter, knight.
- 1308. William de Deveneys, knight.
- 1308. Richard de Exeter, knight.
- 1323. Richard de Willoughby, knight.
- 1325. Henry de Hambury.
- 1327. Nicholas Fastolf, knight.
- 1329. William de Rodyard, clerk.
- 1331. Robert de Scardeburgh.

- 1334. Robert le Poer.
- 1335. Simon Fitzrichard, knight.
- 1338. John de Rees, clerik.
- 1338. Simon Fitzrichard, knight.
- 1341. John Gernoun.
- 1344. Thomas de Dent.
- 1358. Robert de Preston, knight.<sup>1</sup>

## JUSTICES OF THE BENCH

- 1276. Richard de Northampton, clerik.
- 1276. Thomas de Cheddesworth, clerik.
- 1276. Robert de Braham.
- 1279. Nicholas Taaffe, knight.
- 1280. Robert de l'Estre.
- 1283. John de Hache.
- 1283. John Tryvers.
- 1284. Walter de Wimburn, clerik.
- 1295. Thomas de Snyterby, clerik.
- 1300. Robert de Littlebury, clerik.
- 1301. Nicholas de Netterville.
- 1303. William le Devenys, knight.
- 1304. John de Ponte, clerik.
- 1305. Walter de Kenleye, knight.
- 1307. Robert Bagot, knight.
- 1308. William de Bardefeld.
- 1308. Hugh Canoun.
- 1312. William le Devenys, knight.
- 1312. John Beneger.
- 1313. Hugh Canoun.
- 1319. William de la Hulle.
- 1322. Rythery Fitzjohn.
- 1323. Richard le Blond.
- 1324. Robert le Bristol.
- 1324. Roger de Berthorpe.
- 1324. Gilbert de Singleton.
- 1324. Henry de Hambury.
- 1327. Roger de Preston.
- 1327. John de Grauntsete.
- 1329. William Fauvel.

<sup>1</sup> The following were also appointed but did not act : Roger Hilary and Richard de Foxcote in 1329 and Roger de Bankewell in 1331.

- 1329. John Bever.
- 1331. Simon Fitzrichard.
- 1331. Richard le Broun.
- 1332. John de Bray.
- 1333. Richard de Hattecombe.
- 1334. John de Hornby.
- 1334. Thomas de Dcnt.
- 1334. Richard Broun.
- 1335. Thomas de Mountpelliers, clerk.
- 1337. Simon Fitzrichard.
- 1338. John Gernoun.
- 1340. Hervey Bagot, clerk.
- 1340. Nicholas de Snyterby, clerk.
- 1341. Roger de Preston.
- 1344. John de Rednesse.
- 1347. Nicholas de Snyterby, clerk.
- 1348. John Gernoun.
- 1350. Richard Broun.
- 1354. Nicholas de Snyterby, clerk.
- 1356. Bartholomew Dardys.
- 1376. Richard Plunket.

## CHIEF BARONS OF THE EXCHEQUER

- 1309. Walter de Islip, clerk.
- 1311. William de Moenes, clerk.
- 1313. Nicholas de Balscote, clerk.
- 1319. *Substitute* Richard le Broun, clerk.
- 1324. Adam de Herewynton, clerk.
- 1327. Thomas de Mountpelliers, clerk.
- 1327. Rogér de Berthorpe.
- 1329. John de Braideston.
- 1331. William de Tikhill, clerk.
- 1331. Robert le Poer, clerk.
- 1335. Thomas atte Crosse, clerk.
- 1337. Hugh de Burgh, clerk.
- 1339. Robert le Poer, clerk.
- 1344. Hugh de Burgh, clerk.
- 1351. Robert de Emeldon, clerk.
- 1355. John de Burnham, clerk.
- 1363. Robert de Holywode, knight.



- 1364. John Keppok.
- 1367. Robert de Holywode, knight.
- 1376. Stephen de Bray.
- 1376. Henry Michel.<sup>1</sup>

#### BARONS OF THE EXCHEQUER

- 1251. William le Brun, clerk.
- 1254. Robert Anketille, clerk.
- 1256. John de Bruningfald, clerk.
- 1256. Warin de Fisacre, clerk.
- 1278. Ryrith Mackavan.
- 1282. Elias de Winchester, clerk.
- 1282. John de Kent, clerk.
- 1294. David de Offington.
- 1295. Richard de Soham, clerk.
- 1299. John le Blond.
- 1299. William de Moenes, clerk.
- 1305. John de Hotham, clerk.
- 1308. Walter de Islip, clerk.
- 1309. William de Moenes, clerk.
- 1311. Adam de Stratton, clerk.
- 1313. William de Moenes, clerk.
- 1326. John de Grauntsete.
- 1328. Henry de Thrapston, clerk.
- 1330. Thomas Bagot.
- 1333. Thomas de Brayles, clerk.
- 1334. Hugh de Colwick, clerk.
- 1334. Thomas atte Crosse, clerk.
- 1335. Robert le Poer, clerk.
- 1335. Henry Motoun, clerk.
- 1335. William de Hoo.
- 1335. Hugh de Burgh, clerk.
- 1335. Thomas de Mountpelliers, clerk.
- 1335. Walter de Islip, clerk.
- 1336. John de Carleton, clerk.
- 1336. Hervey Bagot, clerk.
- 1337. Nicholas de Synterby, clerk.
- 1338. Hervey Bagot, clerk.
- 1340. William de Epworth, clerk.
- 1344. Godfrey Foljambe, knight.

<sup>1</sup> Robert de Gloucester, prior of the Holy Trinity, is said to have been appointed in 1329, and Robert de Scorburch was appointed, but did not act, in 1334.

- 1347. John de Troie, clerk.
- 1348. John de Pembrok, clerk.
- 1354. Nicholas de Snyterby, clerk.
- 1354. Thomas de Bowes, clerk.
- 1356. Thomas Minot, clerk.
- 1364. John de Uppingham, clerk.
- 1364. Thomas de Quixhull, clerk.
- 1367. William de Karlell, clerk.
- 1367. Robert Randolph, clerk.
- 1368. James de Wotenhull, clerk.
- 1369. John Brettan.
- 1376. John de Pembrok, clerk.<sup>1</sup>

<sup>1</sup> The following were also appointed but did not act: William de Chiriton in 1293, William de Fulburn in 1324, and Thomas de Blaston in 1332.

## CATALOGUE

### OF THE

CHANCELLORS AND DEPUTY CHANCELLORS, KEEPERS OF THE ROLLS, JUSTICES ITINERANT, CHIEF JUSTICES AND JUSTICES OF THE JUSTICIAR'S COURT, CHIEF JUSTICES AND JUSTICES OF THE BENCH, AND CHIEF BARONS AND BARONS OF THE EXCHEQUER APPOINTED TO THE JUDICIAL BENCH IN IRELAND FROM THE REIGN OF HENRY III TO THAT OF EDWARD III, 1221-1377

**1221 Thomas Fitzadam ;**

appears as one of the persons in attendance on John in Ireland 1210 ; was described as brother of Richard, an Irishman ; went to England in the service of the king ; appears in charge of the castle of Dublin in 1213 ; advised as to administration in Ireland 1215 ; had custody then of the castle of Trim ; was given aid in fortifying his own castle 1217 ; visited England 1218 ; was appointed then escheator ; became keeper of the king's forest of Glencree 1219 ; held then the forest of Decies ; advised as to matters concerning the king ; had litigation as the king's forester with the archbishop of Dublin 1220 ; was appointed second justice itinerant 1221 ; visited England same year ; was given custody of the castle of Athlone 1223.

**1221 Bartholomew de Camera, clerk ;**

appears as a servant of the crown 1207 ; conveyed then treasure from Ireland to Northampton and Marlborough ; was given lands near Dublin same year and the church of Dungarvan 1214 ; appears as tenant of the royal manor of Esker near Dublin 1217 ; was rewarded then for his good and faithful service ; became third justice itinerant 1221 ; was given then a prebend in the diocese of Ossory ; appears as parson of the chapel of Limerick 1225.

**1228 John Marshal, baron of Hingham ;**

was nephew of William Marshal, Earl of Pembroke, who married Strongbow's daughter and represented Strongbow in Ireland ; served under his uncle abroad ; went to Ireland as his uncle's representative 1204 ; was made on his return to England marshal of Ireland ; accompanied King John to Ireland 1210 ; appears in England afterwards in charge of counties and castles ; was sent on a mission to Rome 1215 ; appears in England as a justice of the forest and a justice itinerant ; was sent on missions to Ireland 1221, 1223, 1228 ; appears there as first justice itinerant 1228 ; acted in England as a justice for assize of arms 1230 ; appears again in Ireland 1232 ; died 1235. [Dict. Nat. Biog.]

**1228 Richard Duket, clerk ;**

was probably son of Nicholas Duket, chamberlain of London ; appears as a servant of the crown 1203 ; was granted a pension of five marks 1207 ; appears as sheriff of Norfolk and of Suffolk 1221 ; acted as a justice itinerant in England ; was sent on a mission to Rome 1225 ; went to Ireland 1228 ; appears there as second justice itinerant ; returned to England ; acted again there as a justice itinerant ; appears once more in Ireland 1233 ; died in or before 1245. [Foss's Judges.]

**1228 Simon de Hale ;**

derived his patronymic probably from Hale in Northamptonshire ; owned land in that shire and in Yorkshire ; appears as sheriff of Yorkshire about 1221 ; became a justice itinerant 1225 ; appears as sheriff of Wiltshire 1226 ; assessed tallage in Yorkshire and Cumberland 1227 ; went to Ireland 1228 ; appears there as third justice itinerant ; returned to England ; appears there as a justice itinerant 1240. [Foss's Judges.]

**1232 Ralph de Neville, bishop of Chichester ;**

was a kinsman of Hugh de Neville, one of King John's councillors ; is said to have been of illegitimate birth ; appears as an officer in the chancery of England ; was entrusted with custody of the great seal of that country 1213 ; held the deanery of Lichfield and other ecclesiastical preferment ;

acted as vice-chancellor of England 1220 ; became bishop of Chichester 1222 ; was appointed chancellor of England 1226 ; received a grant of that office for life 1227 ; was given the custody of the chancery of Ireland for life 1232 ; executed that office by deputy ; was deprived of the great seal of England 1238 ; received again custody of it 1242 ; died 1244. [Dict. Nat. Biog. ; Foss's Judges.]

**1232 Geoffrey de Turville, clerk ;**

derived probably his patronymic from Turville in Buckinghamshire and belonged to a family seated at Wolstan in Warwickshire ; appears in Ireland as a servant of Henry de Londres, archbishop of Dublin 1218 ; visited England 1222, 1224 ; was presented to the church of Dungarvan 1224 and to that of Antrim 1226 ; received the office of chamberlain of the Irish exchequer in the latter year ; appears as archdeacon of Dublin ; became deputy chancellor of Ireland 1232 ; was appointed treasurer of Ireland 1234 ; became bishop of Ossory 1244 ; died in London 1250 ; was buried in the Temple Church. [Ware's Bishops.]

**1235 Robert Luttrell, clerk ;**

was a kinsman of Sir Geoffrey Luttrell, who was a favourite minister of King John and an ancestor of the Luttrells of Dunster Castle in Somersetshire and of Luttrellstown in co. Dublin ; appears in Dublin as treasurer of St. Patrick's Cathedral 1228 ; was given then custody of the see of Dublin ; assisted Geoffrey de Turville in the treasury 1234 ; succeeded the latter as deputy chancellor 1235 ; was given the archdeaconry of Armagh 1237 ; appears as chancellor of Ireland 1245 ; was superseded 1246. [County Dublin, iv. 3.]

**1242 Waleran de Welleslegh, knight ;**

derived his patronymic from Wellesley in Somersetshire ; was an ancestor of the Duke of Wellington ; went to Ireland on the king's service 1226 ; appears there in 1242 as first, in 1247 as second, and in 1255 as first justice itinerant ; was mentioned as father of John Delahyde 1260 ; granted lands to a priory in Wexford 1261 ; appears as justice in banco 1242 and as justice itinerant 1269 ; died in or before 1276 ; was succeeded by another Walcran de Welleslegh,



who appears as gentleman of the English chancellor 1284 and was slain in Ireland 1303. [Hore's County Wexford, vi. 141 ; Jour. Kildare Arch. Soc., iv. 179.]

**1242 Robert de Beauver ;**

derived his patronymic probably from Belvoir in Lincolnshire ; appears in Ireland as a justice itinerant 1247.

**1242 Michael de Renville, clerk ;**

appears in Ireland as a prebendary of Cashel 1238 ; was acting as a justice itinerant 1247 ; became a prebendary of Dublin ; died in or before 1274.

**1246 Geoffrey de Wulward, clerk ;**

appears as an officer of the chancery of England 1230 ; accompanied the king then to France ; appears with the king in Gascony 1242 ; was promised then a competent benefice ; became for a limited period chancellor of Ireland 1246 ; was granted sixty marks a year ; received reward for his good service 1247 ; retired 1249.

**1247 Hugh de Lega ;**

derived his patronymic from Lee in Bedfordshire ; was probably descended from an early settler in Ireland who bore the same name ; appears in Ireland 1235 ; was thanked for his services there ; visited England to speak with the king touching the king's affairs 1236 ; appears as a warden in Bedfordshire ; conveyed Irish treasure to the king 1237 ; was described then as knight of Maurice Fitzgerald, the justiciar ; appears in Ireland acting as first justice itinerant 1247. [Vict. Hist. Bedford County.]

**1247 Robert de Shardelowe, clerk ;**

derived probably his patronymic from Shardlow in Derbyshire ; appears as sheriff of Surrey and constable of the castle of Guildford 1227 ; was styled master ; went on an embassy to Rome 1228 ; appears in England as a justice at Westminster and a justice itinerant 1228-32 ; was appointed king's proctor and permitted to reside in the king's bench 1244 ; went to Ireland 1246 ; appears there as first justice itinerant 1247-52 ; owned lands in Leicestershire, Derbyshire, and Ireland. [Foss's Judges ; Shardelowe appears sometimes as Wardel.]



**1247 Walter Folyot ;**

was probably descended from an English justice itinerant of that name; appears in Ireland as a justice itinerant 1247.

**1249 Ralph de Norwich, clerk ;**

appears as a servant of the crown 1216; visited Ireland then on behalf of the king; was given the deanery of Wallingford 1217; visited Ireland again same year; returned to England 1218; was sent to the archbishop of York and to Ireland once more 1219; returned to England 1220; was sent to Ireland again on business of the Exchequer same year; returned to England; was sent to Ireland once more 1221; was given the church of Akeley in Buckinghamshire same year and of Brill 1225; appears as a prebendary of St. Patrick's Cathedral in Dublin 1227; acted then as a justice for the Jews; was given the custody of the see of Emly in Ireland 1228; appears in Ireland 1229; became on his return to England a justice at Westminster 1230; was reported to be dead 1231; appears as a justice itinerant 1235; became chancellor of Ireland with a fee of sixty marks 1249; appears exercising influence over the itinerant justices 1254; was elected archbishop of Dublin but was not accepted by the Pope 1256; received orders to send the great seal of Ireland to the king same year; appears in England on the king's service 1258; died in or before 1259. [Dict. Nat. Biog.; Foss's Judges.]

**1251 William le Brun, clerk ;**

was possibly descended from early Norman settlers in Ireland; appears probably as licensed to come to England 1230; was sheriff of Surrey and as bailiff for Peter de Rivaulx in charge of Guildford castle 1234; appears then with the style of master and afterwards as a servant of the crown; was ordered to reside in the Jews' exchequer 1237; had custody of the see of Durham 1240; was sent to Ireland to view its state and to survey the lands of Connaught 1241; was presented in England to the church of Montgomery 1242; appears then as keeper of the king's son; was presented in Ireland to the church of Dungarvan 1244; appears in England 1245, 1250; was in Ireland acting as a baron of the Exchequer 1251.

**1252 Geoffrey de St. John, bishop of Ferns ;**

appears in Ireland as clerk to John de St. John, who had been treasurer of Ireland and became bishop of Ferns 1223 ; was then granted the treasureship of Limerick Cathedral ; received collation to the church of Carrickfergus 1224 ; became chancellor of Ferns Cathedral ; was appointed escheator of Ireland 1250 ; appears as a justice itinerant 1252 ; was elected bishop of Ferns 1254 ; appears as first justice itinerant 1255 ; died in or before 1258. [Ware's Bishops.]

**1252 Peter de Repenteney ;**

appears in Ireland 1252 ; was acting as a justice itinerant ; appears as seneschal of Ulster 1254.

**1254 Robert Anketille, clerk ;**

was of Scandinavian descent and connected with Harborough ; appears as a servant of the crown with the style of master 1241 ; was then staying at the court of Rome as the king's representative ; appears as a canon of Dol 1243 ; was sent to the king of France 1245 ; acted as proctor for the king at the court of Rome 1248, 1252 ; was given an annuity of forty marks payable at the Exchequer in Dublin 1253 ; appears in Ireland with permission to reside at the Exchequer as a baron 1254 ; was in France with the king later in that year ; became escheator 1256 ; died same year.

**1256 John de Bruningfald, clerk ;**

appears in Ireland 1253 ; was then acting as clerk to the treasurer ; appears as a baron of the Exchequer 1256 ; appears as chancellor 1257 ; vacated that office before 1268 ; died before 1279 ; was declared then by the sheriff of Surrey to be represented by Ernald son of Richard de Tangeley.

**1256 Warin de Fisacre, clerk ;**

appears in Ireland 1253 ; was given then the office of chamberlain of the exchequer ; appears in England 1240 ; was represented in Ireland by his brother Isaac de Fisacre ; appears as a baron of the Exchequer 1256.

- 1258 **Alexander de Nottingham, knight ;**  
appears in Ireland as a justice itinerant 1258 ; acted sometimes as first justice itinerant ; was provided with a furred robe and a saddle 1272 ; was acting then as second justice itinerant ; owned property in Ireland in right of his wife, Mabel. [Liber Niger ; Camden Soc., no. 21.]
- 1258 **William de Bakepuz, clerk ;**  
appears in Ireland 1237 ; was constituted then escheator ; appears as a justice itinerant 1258 ; was styled master ; received a promise of preferment for his laudable service 1260 ; appears as dean of Kilkenny 1266 ; became a prebendary of Dublin ; was superseded as escheator 1271 ; acted as justice of assize 1275.
- 1258 **Richard de Exeter, knight ;**  
appears in Ireland as a justice itinerant 1261 ; was acting as first justice itinerant 1269 ; owned castle of Athleague ; took part in expedition against Aedh O'Connor 1270 ; acted afterwards as deputy justiciar ; was provided with a furred robe and a saddle 1272 ; appears as justice in banco 1273 ; was commissioned then to inquire touching depredations, burnings, and homicides ; visited England to expedite affairs of the king 1275 ; was ordered to send his rolls and those of Waleran de Welleslegh while serving as justices in banco to the Irish treasury 1276 ; appears as first justice itinerant for Cork and Kerry ; acted again as deputy justiciar ; visited England 1280 ; acted as a commissioner of oyer and terminer at Chichester ; was granted then twenty librates of land in Connaught ; received a command to hear pleas in the Bench at Dublin 1282 ; held manor of Derver in co. Louth ; died 1286.
- 1260 **Hugh de Kyngsbury, clerk ;**  
derived his name from Kinsbury in Somersetshire ; appears in Dublin 1260 ; was then styled master ; resided in Rochel-street ; appears as a justice itinerant 1260-6 ; died in 1270.
- 1260 **Robert Fitzwarin ;**  
appears in Ireland as a justice itinerant 1260.
- 1260 **Arnold de Berkeley ;**  
appears as owner of a house in Northamptonshire 1258 ; went to Ireland in the service of the king's son 1259 ; appears as justice itinerant 1260.

- 1261 **Philip de Hynteberg ;**  
was exempted in England from service on juries 1251 ;  
appears in Ireland as a justice itinerant 1261
- 1264 **Hugh de St. Albans, clerk ;**  
appears in Ireland as a justice itinerant 1264 ; was styled  
master ; received pardon for trespasses and robberies  
charged against him in England 1266.
- 1266 **Griffin Fitzalan ;**  
appears in Ireland as a justice itinerant 1266 ; was acting  
as a justice itinerant for eyre of Waterford 1274, and was  
paid as a justice itinerant 1279 ; appears as knight of Thomas  
de Clare 1284.
- 1268 **Fromund le Brun, clerk ;**  
was probably a member of the family to which William le  
Brun is suggested to have belonged ; appears in Ireland  
1248 ; was then clerk of the justiciar ; conveyed treasure  
of Ireland to the king at Marlborough same year ; became  
owner of Roebuck near Dublin 1261 ; appears as chancellor  
1268 ; was chosen by the priory of Holy Trinity as arch-  
bishop of Dublin but was not elected 1271 ; was superseded  
as chancellor 1273 ; reappears as chancellor 1276 ; was  
mentioned as in debt 1282 ; took inquisitions at Tully,  
Clonmel, and Kilmallock same year ; died 1283.
- 1269 **William de Castre, knight ;**  
derived his patronymic from Caistor in Norfolk ; accom-  
panied the king to Gascony 1252 ; gave security to stand to  
the articles of Kenilworth 1267 ; appears in Ireland as a  
justice itinerant 1269 ; conveyed the sons of the Earl of  
Ulster to Woodstock 1274 ; was still acting as a justice  
itinerant 1277.
- 1270 **Henry de Stratton, clerk ;**  
derived his patronymic from Stratton in Wiltshire ; was a  
brother of Adam de Stratton ; received at the instance of  
his brother a pension of three pence a day 1266 ; appears  
in Ireland as a justice itinerant 1270-7.
- 1272 **Richard Fitzjohn, knight ;**  
appears in Ireland as a justice itinerant 1272 ; was provided  
then with a furred robe and a saddle ; acted as first justice



1274; was given seisin of his brother John's lands in England and Ireland 1278; held Thornecastle now part of the township of Blackrock, near Dublin, 1284.

**1275 Thomas de Clare, knight;**

was the second son of Richard, Earl of Gloucester; appears with the Earl of Leicester on the march of Wales 1264; was forbidden to go with the earl to a tournament at Dunstable 1265; assisted Prince Edward to escape from the restraint imposed on him by the earl same year; was subsequently pardoned for his adherence to the earl; became chamberlain to the prince; was given the custody of castles and of forests; visited Ireland, where he had been given the custody of lands 1269; accompanied the prince on his crusade to the Holy Land 1270-1; was sent to Gascony as the prince's lieutenant 1272; went to Ireland after the prince's accession to the throne 1273; appears there as chancellor; visited England 1274, 1275; appears then in the possession of the land of Thomond now represented by co. Clare; retired from the office of chancellor; took part in military expeditions to Glenmalur 1276, 1277; visited England 1278; appears on the king's council at Dublin 1280; visited England 1282-4; built castles of Bunratty and Quin; died 1287. [Orpen's Ireland under the Normans, iv, passim.]

**1274 Robert Bagot, knight;**

was probably a son of Ralph Bagot of Bagotrath near Dublin; acted as sheriff of co. Limerick and constable of castle of Limerick; became chief justice of the Bench with obligation to act when necessary as a justice itinerant 1274; was accused of transgressions and excesses in Limerick, but was apparently found innocent 1275; went on affairs of the king to various parts of Ireland 1277; received rewards for his fidelity 1281; was given, in consideration of his long service, permission to remain in Dublin and relief from duty as a justice itinerant 1284; acted sometime as deputy treasurer; resided at Bagotrath; retired on account of ill-health 1298. [County Dublin, ii. 43, and Pembroke Township, p. 15.]

**1275 Walter de la Haye, knight;**

appears in Ireland acting as attorney for an English justice

1273 ; acted as sheriff of co. Waterford and constable of the castles of Dungarvan and Limerick 1274 ; appears as justice itinerant in the south of Ireland 1275 ; was remunerated for his first passage to that country and for expeditions in times of war 1299 ; owned manor of Kilmeadan in co. Wexford 1285 ; became escheator 1285 ; acted as deputy justiciar 1294 ; became justice of the justiciar's court same year ; acted as deputy justiciar 1295-6 ; was superseded as justice of the justiciar's court 1298 ; resigned office of escheator on account of weak sight 1307.

**1276 Richard de Northampton, clerk ;**

appears in the service of the crown 1264 ; was given a pension then of three marks of silver to be paid by the priory of St. Thomas in Dublin ; appears in Ireland as dean of Ferns 1272 ; acted then as attorney for the chancellor in auditing the treasurer's accounts ; appears as a justice itinerant 1276 ; became a justice of the Bench 1276 ; appears as a prebendary in the diocese of Killaloe 1282 ; was elected bishop of Ferns same year ; received reward for laudable service 1280, 1281, 1285 ; died 1304 ; was buried in Ferns Cathedral. [Ware's Bishops ; Hore's Wexford, vi. 188.]

**1276 Thomas de Cheddesworth, clerk ;**

derived his patronymic from Chedworth in Gloucestershire ; appears on his way to Ireland with his household and goods 1265 ; was styled master ; became in Ireland chancellor of the exchequer and chancellor of St. Patrick's Cathedral ; was given custody of the see of Dublin 1271 ; visited England 1275 ; received custody of lands and a prebend in Kildare diocese 1276 ; appears as justice of the Bench same year ; was promoted to the deanery of St. Patrick's Cathedral 1285 ; was elected archbishop of Dublin 1295 ; appears proceeding to Rome 1296 ; was not accepted by the Pope ; was nominated again by his cathedral for the Dublin see, but was not elected, 1298 ; appears as vicar-general 1299 ; resigned his seat on the judicial bench 1303 ; died at a great age 1311. [Mason's Cath. of St. Patrick, p. 113.]

**1276 Robert de Braham ;**

appears as a salaried justice of the Bench 1276-85.



**1278 Ryrith Mackavan ;**

appears as an Irishman who had come to the peace 1272 ; was provided then with a furred robe and a saddle ; appears as a baron of the Exchequer 1277 ; was given then his expenses in going to Roscommon ; received expenses again for going to Roscommon with the king's treasure and remaining there five days 1279 ; appears as a deputy baron of the Exchequer 1281.

**1278 Roger Andrew ;**

appears in Ireland 1267 ; was then a suitor with his wife Rosamond at Cashel ; appears as a justice itinerant in the south of Ireland 1278 ; was about to visit England 1282 ; appears again in the south of Ireland as justice itinerant 1285 ; returned to England 1291.

**1279 Nicholas Taaffe, knight ;**

appears in Ireland on military service 1276–7 ; was rewarded for his laudable conduct and compensated for the loss of two horses ; appears as a justice of the Bench 1279–87 ; died in the latter year.

**1280 Robert de l'Estre ;**

appears as a sheriff of Cambridgeshire and Huntingdonshire 1272 and of Northamptonshire 1276 ; was a justice to deliver gaol of Newgate in London 1277 ; appears in Dublin as a salaried justice of the Bench 1280 ; was paid expenses as a justice itinerant 1282 ; appears still on the Bench 1285.

**1282 Elias de Winchester, clerk ;**

appears in Ireland as the officer to hold pleas of the market and to survey measures 1277, and as receiver and weigher in the Exchequer 1279 ; was styled master ; became a baron of the Exchequer 1282 ; resided there through the justiciar 1285 ; had little or no power ; held a prebend in the diocese of Emly ; died 1295.

**1282 John de Kent, clerk ;**

appears in Ireland as bailiff of the king's lands 1279 ; became a baron of the Exchequer 1282 ; resided there through the king 1285 ; had little or no power ; applied for office of chancellor of the exchequer 1293 ; died same year.

**1283 John de Hache ;**

appears in Ireland 1275 ; served as chirographer of the bench ; was reappointed on account of his faithful service 1283 ; became a salaried justice of the Bench by patent dated at Acton Burnell in autumn of same year.

**1283 John Tryvers ;**

appears in Ireland as a resident in co. Meath 1266 ; acted as a salaried justice of the Bench 1283-5.

**1283 Adam de Fulburn, clerk ;**

was a nephew of Stephen de Fulburn, successively bishop of Waterford and archbishop of Tuam, and sometime justiciar of Ireland ; appears as an archdeacon, holding the parsonage of Rathmore and rectory of Slane ; acted as chancellor of Ireland 1283-4.

**1283 Walter de Fulburn, bishop of Waterford ;**

was an uncle of Adam de Fulburn and brother of Stephen de Fulburn ; appears as dean of Waterford 1281 ; was appointed chancellor of Ireland 1283 ; became bishop of Meath, but without licence same year ; acted sometime as treasurer ; was superseded as chancellor 1288 ; became bishop of Waterford same year ; appears in 1305. [Ware's Bishops.]

**1284 Walter de Wimburn, clerk ;**

appears in England searching rolls for the king 1275 ; became one of the king's advocates 1276 ; went to Wales on a mission for the king same year ; was appointed a justice of the English King's Bench 1278 ; received presentation to the church of Wigan 1281 ; appears as a member of the king's council ; went to Dublin as a justice of the Bench with a seat next to the chief justice 1284 ; was granted then the precentorship of St. Patrick's Cathedral and a seat in the council in Ireland ; returned to England 1285 ; received licence to remain there 1287, 1290 ; acted there on various commissions ; resigned his prebend in St. Patrick's Cathedral 1299. [Foss's Judges.]

**1285 Eustace le Poer ;**

was an ancestor of the Earls of Tyrone ; appears in Ireland

as a justice itinerant 1285 ; visited England 1290 ; joined in an expedition to Scotland where he served "manfully" 1296 ; was granted free warren in his demesne in co. Waterford and given deer from the forest of Glencree same year ; was notified of another expedition to Scotland 1301.

**1286 Walter l'Enfant, knight ;**

was probably a son of Sir Walter l'Enfant, who owned land in Ireland ; entered the king's service there 1270 ; was described as of the king's household ; appears as custodian of castles in Connaught ; received compensation for the loss of horses and harness in several expeditions in Ireland 1282 ; succeeded Sir Richard de Exeter as a justice itinerant 1286 ; acted as deputy justiciar 1290 ; was appointed justice of the justiciar's court same year ; surrendered that office 1294 ; was ordered to attend with horses and arms at Whitehaven 1296 ; became again justice of the justiciar's court 1298 ; acted also sometimes as a justice itinerant ; appears as the keeper of the castle of Kildare 1302 ; was granted protection in Ireland on going beyond the seas 1310 ; is said to have been lord of Carnalway near Naas ; left wife, Elizabeth, who married secondly William de Wellesleigh, constable of the castle of Kildare.

**1288 William de Beverley, clerk ;**

appears in England as guardian of a kinswoman who was *non compos* 1279 ; served on a commission as to knight's service in Somersetshire, Dorsetshire, and Yorkshire same year ; acted as a collector of the tenth for the king in Yorkshire 1283-5 ; went to Ireland on special affairs of the king 1286 ; appears as chancellor there 1288 ; died 1289.

**1289 William de Barry, knight ;**

was an ancestor of the Earls of Barrymore ; appears as first justice itinerant in the south of Ireland 1289-94.

**1289 Robert de Hastings, knight ;**

went to Ireland 1282 ; was compensated for his labour in going thither and bringing horses and arms 1285 ; became custodian of Newcastle MacKynegan ; acted as a salaried justice itinerant in Tipperary 1289 ; visited England 1290-1.

- 1291 Thomas Cantock, bishop of Emly ;**  
appears on a mission to Scotland concerning the king's affairs 1288 ; was styled master ; received presentation to church of Hardwick in Lincolnshire 1291 ; went to Ireland as chancellor same year ; appears there as a prebendary in the diocese of Emly, and also in the diocese of Ossory ; became a prebendary in the diocese of Cashel 1302 ; was elected bishop of Emly 1306 ; died 1309. [Ware's Bishops.]
- 1291 Thomas Darcy ;**  
appears as a justice itinerant in co. Dublin 1291 ; received wages for fifty Welshmen remaining in Ireland to preserve the peace 1292 ; was mentioned a seneschal of Kildare 1293.
- 1291 John de Malton ;**  
appears in Ireland as a justice of the justiciar's court 1291 ; acted as a justice itinerant 1293 ; appears as seneschal of Kildare 1293.
- 1294 David de Offington ;**  
appears in Ireland as custodian of the lands of Geoffrey de Cantilupe 1273 ; was pardoned for trespasses during disturbances in England 1280 ; appears as sheriff of co. Dublin and keeper of Newcastle near Dublin 1282 ; was also seneschal of Kilkenny and keeper for the Earl of Gloucester ; acted on behalf of the king in Connaught ; visited England 1283, 1285, 1291, 1294 ; was appointed a baron of the Exchequer 1294 ; died in or before 1299.
- 1295 Richard de Soham, clerk ;**  
derived his patronymic from Soham in Cambridgeshire ; appears in Yorkshire as assistant of William de Beverlaco 1286 ; was sent to Ireland to survey Leinster 1288 ; visited England 1294 ; was appointed a baron of the Exchequer 1295 ; appears as parson of the church of Wadingham in Lincolnshire 1303 ; acted as deputy treasurer 1304 ; retired 1305.
- 1295 Thomas de Snyterby, clerk ;**  
derived his patronymic from Snitterby in Lincolnshire ; was

sent to Ireland 1285 ; went to the king in Gascony 1286 ; visited England 1290, 1294 ; became a prebendary of St. Patrick's Cathedral ; appears as a justice of the Bench 1295-1307 ; died in Lincolnshire 1316.

**1295 John de Ponte, clerk ;**

was a landowner in Dorsetshire ; appears as bailiff for the queen in Somersetshire 1281 ; acted as constable of castle of Leeds 1290 ; went to Ireland 1292 ; appears there as the king's advocate 1295 ; became a justice assigned same year ; paid for wines of the king received by him at Leeds 1299 ; appears as a justice of the Bench 1304. [Mentioned, in error, in Graves and Prim's Cath. of St. Canice, p. 142.]

**1298 Simon de Ludgate ;**

appears as attorney in England for the Earl of Gloucester 1287 ; went to Ireland 1291 ; appears going thither on the king's service 1296 ; became chief justice of the Bench 1298 ; appears as constable of Dublin Castle 1302 ; retired then from the bench and constablenesship.

**1299 John le Blond ;**

appears as of Limerick and a baron of the Exchequer.

**1299 William de Moenes, clerk ;**

derived his patronymic from Moen in Hampshire ; went to Ireland under John de Derlington, archbishop of Dublin ; appears rendering money to the crown in co. Dublin 1285 ; was keeper of the queen's timber works at Glencree and elsewhere 1290 ; became chamberlain of the exchequer 1293 ; was appointed a baron of the Exchequer 1299 ; became a prebendary of St. Patrick's Cathedral ; surrendered the office of baron 1308 ; was reappointed 1309 ; became chief baron 1311 ; was reappointed baron 1313 ; gave name to Rathmines, otherwise Moenesrath, near Dublin ; retired or died 1325. [County Dublin, ii. 100.]

**1300 Robert de Littlebury, clerk ;**

was probably a near relation of Martin Littlebury, chief justice of the Common Bench at Westminster ; appears as a



servant of the crown ; acted as a commissioner of taxation 1279 ; became keeper of the rolls in the common bench at Westminster 1285 ; was pardoned for any trespass in the service of the crown 1291 ; was sent to Dublin as a justice of the Bench 1300 ; died 1305.

**1301 Nicholas de Netterville ;**

was an ancestor of the Viscounts Netterville ; appears in Ireland as a knight in the household of Theobald de Verdun 1284 ; was exempted then from service as a juror or bailiff on account of "the present war in Ireland" ; appears as keeper of the castle of Athlone 1295 ; rendered account of the profits of co. Dublin 1299 ; appears as a justice of the Bench 1301-9.

**1301 John de Fresingfeld, knight ;**

appears pleading at the English bar 1294 ; went to Ireland in the retinue of a new justiciar 1295 ; appears as keeper of the writs and rolls of the bench 1276 ; was custodian of the castles of Athlone, Roscommon, and Rathdown 1299 ; acted as deputy justice in the justiciar's court 1301 ; appears as lord of manors in cos. Tipperary and Meath 1302 ; received licence to hold weekly markets in them ; acted again as deputy justice in the justiciar's court 1306 ; appears as justice itinerant in co. Tipperary 1307 ; returned to England 1308 ; appears as justice in eyre in the Channel Islands 1309 ; acted afterwards as a commissioner of oyer and terminer in England ; appears as owner of manors in Suffolk and Norfolk ; was imprisoned as a follower of the Despensers 1322.

**1302 Richard de Exeter, knight ;**

was a son of the former Sir Richard de Exeter ; inherited from him vast property in Connaught ; visited England 1289 ; became chief justice of the Bench 1302 ; surrendered that office 1308 ; was reappointed same year ; died or retired 1324.

**1302 William Alysandre ;**

appears in Dublin 1286 ; was sheriff of co. Kildare 1299 ; appears as a justice itinerant 1302 ; was appointed justice of the justiciar's court 1311 ; acted as deputy custos of Ireland 1313.



**1302 William le Deveneys, clerk and knight ;**

appears in Dublin as remembrancer and engrosser of the exchequer 1278 ; held also offices of prothonotary and marshal ; appears as keeper of the king's demesne lands in Ireland 1281 ; was granted twelve oaks from the king's forest of Glencree 1283 ; became tenant of crown lands ; was granted the land and fishery of Thornecastle which was previously held by Sir Richard Fitzjohn 1299 ; was then styled clerk ; appears as a justice itinerant in Ireland 1302 ; was appointed a justice of the Bench 1303 ; received a patent as chief justice 1308 ; surrendered it same year ; acted then as bailiff of Dublin ; became again a justice of the Bench 1312 ; was styled knight 1313 ; died in or before 1319. [County Dublin, ii. 4, and Pembroke Township, p. 25.]

**1305 Thomas St. Leger, bishop of Meath ;**

was illustrious for his manners ; became bishop of Meath 1282 ; was displaced by Walter de Fulburn ; received approval from the Pope and was consecrated 1287 ; acted as justice itinerant in Tipperary 1306 ; died 1320.

**1305 John de Hotham, clerk ;**

derived his patronymic from Hotham in Yorkshire ; appears in Ireland 1293 ; accompanied the archbishop of Dublin to Rome 1298 ; was then parson of Marksbury in Somersetshire ; appears as baron of the Exchequer 1305 ; became chancellor of the exchequer 1309 ; was appointed escheator beyond the Trent 1310 and chancellor of the English exchequer 1312 ; accompanied the king to France 1313 ; went to Ireland to negotiate with the barons 1314 ; became bishop of Ely 1316 ; went to Rome 1317 ; became chancellor of England 1318 ; resigned chancellorship 1320 ; was in disgrace with the king ; went to Gascony 1323 ; was chancellor of England again 1327-8 ; died 1337 ; built the octagon in Ely Cathedral. [Dict. Nat. Biog.]

**1305 Walter de Kenleye, knight ;**

was a nephew of Master John de Kenleye, chancellor of the exchequer in Ireland ; succeeded his uncle in that office 1290 ; rendered good service against the Irish in the mountains of Glendalough 1302 ; was styled knight 1303 ; appears as a justice of the Bench 1305 ; died 1308.

**1307 Robert Bagot, knight ;**

was a son of the former Sir Robert Bagot ; became a justice of the Bench 1307 ; acted as bailiff of Dublin 1308 ; was styled knight 1313 ; appears as chief serjeant of Limerick 1317 ; retired from the Bench before 1325 ; died after 1329 ; left a wife, Avicia, and four sons, Robert, Silvester, Hervey, and Thomas, of whom the last two attained to the Bench.

**1308 Walter de Islip, clerk ;**

was a kinsman of Simon de Islip, archbishop of Canterbury ; went probably to Ireland with Richard de Ferings, archbishop of Dublin ; appears there 1300 ; was styled master ; received presentation to church of Gresham in Norfolk 1305 ; became a canon of St. Patrick's Cathedral 1306 ; acted as custodian of the see of Dublin 1307 ; visited England 1308 ; was appointed a baron of the Exchequer same year ; became first baron 1309 ; surrendered that office 1311 ; visited England 1312 ; appears afterwards as escheator ; became treasurer of Ferns Cathedral 1313 ; was appointed treasurer of Ireland 1314 ; became a prebendary in the diocese of Ossory 1317 ; appears also a prebendary in diocese of Waterford ; visited England 1318 ; was granted deanery of Wolverhampton same year ; visited England 1322 ; appears as parson of Whittington in Derbyshire ; was removed from office of treasurer on allegations of misconduct 1325 ; visited England 1327, 1333 ; resided in the priory of the Hospitallers at Kilmainham ; was appointed a baron of the Exchequer again 1335 ; succeeded Sir William le Devenys as owner of Thornecastle. [County Dublin, ii. 4 ; vi. 58 ; Pembroke Township, p. 26 ; Jour. Roy. Soc. Ant. Ire., liv. 23.]

**1308 William de Bardefeld ;**

derived his patronymic from Bardfield in Essex ; went to Ireland 1282 ; appears there as the king's advocate 1296 ; was appointed a justice of the Bench 1308 ; nominated with his wife, Katherine, attorneys in England 1311, 1314, 1318 ; was appointed justice of the justiciar's court 1315 ; appears as a landowner in Middlesex 1321.

**1308 Walter de Cusake ;**

was a magnate of Meath whose ancestors went thither in the early years of the Anglo-Norman settlement ; assisted

in the wars with Scotland 1303, 1307; was appointed chief justice in eyre in Ireland 1308; received summons to a great council 1310; acted as deputy justiciar 1317–18; married probably twice, firstly Maud, daughter and co-heiress of William Pilate of Pilatestown, co. Meath, secondly Amicia, widow of Nigel le Brun; by the first he obtained lands in co. Meath and by the second lands in co. Louth. [Burke's Landed Gentry, 1849.]

**1308 Hugh Canoun;**

appears in Ireland 1294; was appointed a justice of the Bench 1308; nominated with his wife, Albreda, attorneys in England same year; surrendered office 1312; visited England 1313; was reappointed justice of the Bench same year; became justice of the justiciar's court 1315; complained of injury to his houses and close at Woodford in Somersetshire same year; acted as deputy justiciar 1316.

**1309 Walter de Thornbury, clerk;**

appears in England 1304; was then acting as one of the executors of Edward de Mortimer, lord of Wigmore; was sent to Ireland as chancellor of the exchequer 1308; became chancellor 1309; acted as deputy treasurer 1311; received grant of the treasurership of St. Patrick's Cathedral same year; acted as custos of Ireland 1313; was elected one of two candidates for the archbishopric of Dublin same year; was drowned subsequently on a voyage to England to wait on the king; was said then to be greatly in debt; appears as owner of the manor of Wolferlow in Herefordshire; was represented by his executor, Hugh Canoun 1315.

Cantock died the day after "the Purification of the Blessed Virgin" in 1309, and the records related that three days later the seal was delivered by Henry de Raggely to the treasurer and barons of the Exchequer "by precept from the aforesaid treasurer and the council of our lord the king, which seal was shut up in the Treasury, under the seals of the said Henry, Master Walter de Islip and Hugh Canoun, to be kept there until the arrival of Piers Gaveston, Earl of Cornwall, lord lieutenant of Ireland, who delivered the seal of our lord the king to Walter de Thornbury."

**309 David le Blond, clerk ;**

appears assisting the escheator 1302 ; was styled then master ; became justice of the justiciar's court 1309 ; acted also sometimes as a justice itinerant.

**1311 Adam de Stratton, clerk ;**

was a brother of Henry de Stratton ; appears in the service of the Countess of Albemarle ; was a servant of the crown in the exchequer 1261 ; acted as clerk of the works at Westminster ; was given in perpetuity the chamberlainship of the exchequer 1276 ; became one of the richest men in England ; was dismissed or suspended from his offices and convicted of forgery and fraud 1279 ; regained royal favour same year ; was again disgraced 1289 ; appears as the chief delinquent in the state trials 1290 ; was afterwards sheriff of Flintshire ; was appointed to the Irish bench as a baron of the Exchequer 1311 ; appears once more 1327. [Dict. Nat. Biog.]

**1312 John Beneger ;**

appears in Ireland 1303 ; was appointed a justice of the Bench 1312.

**1313 Nicholas de Balscote, clerk ;**

derived his patronymic from Balscot in Oxfordshire ; became connected with Ireland on his appointment as engrosser of the exchequer 1302 ; appears in England 1308-9 ; was appointed chancellor of the Irish exchequer 1310 ; became chief baron 1313 ; was then archdeacon of Glendalough ; was appointed chancellor but was superseded two months later 1317 ; became custodian of the see of Dublin same year ; incurred royal displeasure in connexion with a claim to the chancellorship of St. Patrick's Cathedral 1318 ; was superseded as chief baron 1319 ; died in or before 1320.

**1314 William Fitzjohn, archbishop of Cashel ;**

appears as a prebendary in diocese of Ossory 1302 ; was elected then bishop of that see ; acted as chancellor 1314 ; was appointed chancellor 1316 ; surrendered that office 1317 ; became again chancellor same year ; was elected then also archbishop of Cashel ; acted as custos of Ireland



1318 ; surrendered chancellorship finally 1322 ; was given church of Dungarvan same year ; died 1326. [Ware's Bishops.]

**1314 Richard de Bereford, clerk ;**

was probably a relation of William de Bereford, chief justice of the Common Bench at Westminster ; appears as a collector of the thirtieth in Worcestershire in 1283 ; acted as keeper of the see of Salisbury 1284 and was presented to church of Shenley 1291 ; complained of injury to his gates and houses and of loss of goods there 1295 ; appears in Ireland as treasurer 1300 ; surrendered that office 1307 ; was afterwards collector of the tenth ; came to England 1309 ; acted as justice itinerant there ; returned to Ireland as chancellor 1314 ; surrendered that office 1316 ; was still parson of Shenley 1318. [Dict. Nat. Biog. ; Foss's Judges.]

**1318 Walter de Wogan ;**

was a son of John de Wogan, justiciar of Ireland ; appears in that country serving against the Scotch ; lost horses, arms and armour ; was appointed justice in the justiciar's court 1318 ; appears then in Wales on the king's service ; acted in Ireland as justice 1320, 1324 ; was appointed second justice in the justiciar's court 1324 ; appears as escheator of Ireland 1328.

**1318 Roger de Berthorpe ;**

derived his patronymic from Berthorpe in Lincolnshire ; was son of John Berthorpe of that place ; appears as owner of a close and park there 1312 ; received a pardon at the request of the magnates of Ireland for outlawries 1316 ; was appointed justice of the justiciar's court in the room of Walter de Wogan 1318, 1320, 1322, 1324, a justice of the Bench in Dublin 1324, second justice of the Bench 1325, and chief baron of the Exchequer 1327 ; appears in Lincolnshire as a commissioner of oyer and terminer 1330, 1340 ; was succeeded at Berthorpe by William Deyncourt, 1343.

**1319 Richard le Broun, clerk ;**

appears in England acting as attorney for Nicholas de



Balscote 1310; went subsequently to Ireland; appears in co. Wexford hearing pleas 1315; became engrosser of the exchequer 1316; was styled then king's clerk; was presented to a prebend in diocese of Cloyne and to part of a benefice in diocese of Ossory 1317; was superseded as engrosser 1317; became a baron of the Exchequer 1319; acted as chief baron.

**1319 Adam le Breton;**

appears in Ireland as grantee of lands in co. Carlow and co. Dublin 1318; was appointed chief justice to take all assizes in the king's counties in Munster and the crosses of Leinster 1319.

**1319 William de la Hulle;**

was a member of a family long settled in Ireland; became a justice of the Bench 1319.

**1319 John de Wogan;**

was a brother of Walter de Wogan; appears as a justice of the justiciar's court 1319.

**1319 Thomas Ace;**

appears as a justice of the justiciar's court 1319-22; was farmer of manor of Tilsop in Shropshire 1326.

**1322 Rythery Fitzjohn;**

appears as sheriff of Meath and Dublin 1399; was acting as a justice of the Bench 1322.

**1322 Roger Utlagh, prior of the Hospitallers in Ireland;**

appears as prior 1318; had rendered good service against the Scots; was appointed chancellor of Ireland 1322; acted also as chief justice of eyre in Meath 1324; appears as deputy justiciar 1324, 1327, as justiciar 1328-9, and as deputy justiciar 1330; was holding office of chancellor 1331; was then superseded; appears in England 1332; was appointed to treat with those at war with the king in Ireland; became again chancellor that year; was commissioned to survey king's places in Ireland and to amend what was amiss; was superseded again as chancellor 1334; acted again as deputy justiciar 1335; became again chan-

cellor 1336; was superseded again 1337; visited England; became again chancellor 1338; was deputy justiciar 1340; died 1341.

**1323 Richard de Willoughby, knight;**

was an owner of manors in Nottinghamshire and Derbyshire; derived his patronymic from Willoughby in Nottinghamshire; appears as knight of the shire for that county 1318; was sent to Dublin as chief justice of the Bench 1323; surrendered that office 1325; was reappointed but did not act same year; died soon afterwards; was founder of a chantry in church of Willoughby 1324; had a son of the same name who became chief justice of the King's Bench in England and with whom he has been confused.

**1323 Richard le Blond;**

was described as of Arklow; appears in Ireland as the king's advocate 1298; was appointed a justice of the Bench 1323.

**1324 Robert de Bristol;**

appears as a justice of the Bench 1304; died in 1325.

**1324 Nicholas Fastolf, knight;**

was a son of Thomas Fastolf of Redham in Norfolk; appears as burgess of Great Yarmouth 1309, 1314; went to Ireland as chief justice of the justiciar's court 1324; was appointed chief justice of the Bench 1327, and again chief justice of the justiciar's court 1328; contracted for a water supply to his house 1329; was then married to a lady called Cicely; appears in England later in that year; acted there as a justice itinerant 1330; was granted custody of lands in co. Meath same year; died in or before 1331; was then represented in Ireland by attorneys nominated by his executors, Lawrence Fastolf and Cicely Fastolf. [Foss's Judges.]

**1324 Adam de Herewynton, clerk;**

derived his patronymic from Hervington in Worcestershire; was son of William de Herewynton; received at request of Earl of Warwick custody of a manor in Worcestershire 1303; accompanied the bishop of Worcester beyond the seas 1305; was presented to church of Awrc in Gloucester-

shire 1307 ; accompanied the Earl of Hereford to meet the cardinal priest of St. Prisca 1312 ; appears as allied to the Earl of Lancaster 1313 ; was keeper of the rolls of the bench at Westminster 1314, and commissioner of oyer and terminer in England 1314-22 ; was sent to Dublin as chief baron of the Exchequer 1324 ; appears also as treasurer and chamberlain of the exchequer ; surrendered office of chief baron 1327 ; appears as a prebendary in diocese of Cashel and of St. Patrick's Cathedral ; resigned office of chancellor of the exchequer 1330 ; retired to Worcester-shire ; died 1337.

**1324 Gilbert de Singleton ;**

appears at Chester as a commissioner of oyer and terminer 1309 ; was pardoned as an adherent of the Earl of Lancaster 1313 ; acted in England as a commissioner of oyer and terminer 1318-22 ; was appointed second justice of the Irish Bench 1324 and of the justiciar's court 1325.

**1324 Henry de Hambury ;**

derived his patronymic from Hambury in Worcestershire ; was son of Geoffrey de Hambury of that place ; appears holding inquisitions in England 1322 ; was sent to Dublin as a justice of the Bench 1324 ; became chief justice of the Bench, second justice of the justiciar's court and chief justice of the Bench again 1325, and chief justice of the justiciar's court 1327 ; was allowed to return to England 1327 ; became there a justice of the King's Bench 1328 ; endowed chantries at Tutbury and Hambury ; appears in 1352. [Diet. Nat. Biog. ; Foss's Judges.]

**1326 Roger de Preston ;**

derived his patronymic from Preston in Lancashire ; was third son of Adam de Preston, an ancestor of the Viscounts Gormanston ; acquired property in Preston ; married Matilda, daughter of Robert, son of Adam de Preston, by his wife, Margaret Banastre ; came to Ireland as second justice of the justiciar's court 1326 ; became a justice of the Bench 1327, second justice of the justiciar's court again 1333, and second justice of the Bench 1341 ; acquired lands in Ireland ; died probably 1346. [Gormanston Register.]

**1326 John de Grauntsete ;**

derived his patronymic from Grantchester in Cambridge-shire ; was nominated at his attorney by the bishop of Ely 1302 ; appears in Dublin as a resident 1308 ; married Maud, daughter of Geoffrey de Morton, mayor of Dublin ; appears as legal adviser to the owner of Rathfarnham near Dublin and was given a rentcharge on the lands 1320 ; became second baron of the Exchequer 1326, and second justice of the Bench 1327 ; was deprived of office, fined, and imprisoned for alleged misconduct in the justiciar's court 1329 ; visited England 1330 ; was appointed second justice of the justiciar's court 1331 ; visited England 1332, 1334 ; was granted custody of the manor of Leixlip near Dublin ; resided as a permanent guest in the priory of the Hospitallers at Kilmainham ; endowed canonries in the cathedral of the Holy Trinity 1335, and proposed to erect a chapel in honour of the Holy Trinity in St. Michan's churchyard 1347. [Jour. Roy. Soc. Ant. Ire., liv. 174.]

**1327 Thomas de Mountpelliars, clerk ;**

was sometime called Monte Pessulano ; belonged to a family connected with the king's entourage ; was himself in the employment of the crown ; appears in Ireland 1307, 1309, and in England 1315, 1318 ; was given a prebend in the diocese of Ossory in the latter year ; went on a pilgrimage to Santiago 1319 ; appears in England 1320, 1322 ; became a prebendary in St. Patrick's Cathedral ; was appointed chief baron of the Exchequer 1327 ; became chancellor of the exchequer 1328 ; appears in England 1331, 1334 ; was appointed second baron, and justice of the Bench in Ireland 1335 ; appears in England 1341 ; was then removed.

**1327 Elias de Assheburn, knight ;**

was son of Roger de Assheburn, a citizen and sometime provost of Dublin ; appears at Ashby Mears in Northampton-shire 1309 ; was pardoned for offences there 1312 ; held land near Dublin 1313 ; went to Rome with the bishop of Ely 1317 ; obtained custody of Ashby Mears 1319 ; was styled then king's yeoman ; visited Ireland frequently ; appears in London 1321 ; was given then safe-conduct for his servants bringing corn from Ireland ; went to Ireland for the king 1326 ; received recognition of his own and his



father's services in Ireland ; was appointed second justice of the justiciar's court 1327 ; visited England 1329 ; appears as chief justice of the justiciar's court 1331 ; visited England 1332 ; was then styled knight ; endowed in Dublin five chaplains in the chapel of St. Laud 1332 ; received his expenses in subduing Irish felons 1335 ; visited England that year and 1337 ; was appointed again chief justice of the justiciar's court, was superseded and was reappointed in the latter year ; was superseded and was reappointed 1338 ; was superseded finally 1341 ; became keeper of the castle of Arklow ; incurred subsequently the king's displeasure ; appears again 1353.

**1328 Henry de Thrapston, clerk ;**

derived his patronymic from Thrapston in Northamptonshire ; was in the employment of the crown ; appears in Ireland 1311 ; visited England 1318, 1321 ; appears as keeper of the lands of Hugh le Despenser 1321, and as an attacher of persons attending a tournament in Staffordshire 1322 ; was presented to church of Gamston in Nottinghamshire 1323 ; was also given office in Ireland as custodian of the writs and rolls in the justiciar's court same year ; was appointed second baron of the Exchequer 1328 ; held rectory of Mallow ; became archdeacon of Cork ; was appointed chancellor of the exchequer during good behaviour and as long as his bodily strength allowed 1330.

**1329 William de Rodyard, clerk ;**

appears in Dublin as treasurer of St. Patrick's Cathedral 1307 ; was elected dean 1312 ; became chancellor of a university founded in the cathedral 1320 ; took degree of doctor of civil law ; received commission to hear the cause of Dame Alice Keteler, accused of sorcery 1325 ; appears as chief justice of the Bench in Dublin 1329 ; died before 1349. [Mason's Cath. of St. Patrick, p. 118.]

**1329 William Fauvel ;**

was probably son of Constantine Fauvel of York ; appears at York 1327 ; was appointed a justice of the Irish Bench 1329 ; appears in Westmorland as assessor of a levy for " the business of Ireland " 1332 ; owed money in Yorkshire 1334.



**1329 John Bever ;**

appears in England as a commissioner of oyer and terminer 1323-7 ; was appointed a justice of the Bench in Ireland 1329 ; reappears in England 1330.

**1329 John de Braideston ;**

appears as a purchaser of corn in Kent 1323, as steward of the see of Canterbury 1327, and as a commissioner of oyer and terminer in Sussex 1328 ; was appointed chief baron of the Irish Exchequer 1329 ; reappears in England 1334.

**1330 Thomas Bagot ;**

was son of Sir Robert Bagot the Second ; became second baron of the Exchequer 1330 ; was granted a licence to acquire land 1333.

**1331 William de Tikhill, clerk ;**

derived his patronymic from Tickhill in Yorkshire ; was presented to church of Steeple Morden in Cambridgeshire 1316 and Bolton in Yorkshire 1317 ; appears as keeper of the great wardrobe 1320 ; went beyond the seas on the king's service ; was appointed chief baron of the Irish Exchequer early in 1331 ; received a commission in England at close of that year ; was granted a prebend in diocese of Ossory 1332 ; accompanied the bishop of Durham beyond the seas 1336 ; became parson of Stanhope and warden of Hospital of Grantham ; was given licence with others to found a guild in York and to become himself one of the fraternity 1357.

**1331 Adam de Lymbergh, clerk ;**

appears as a landowner of Lincolnshire and a servant of the crown ; became parson of Rye in Sussex 1309 and of Firsby in Lincolnshire 1310 ; appears as remembrancer of the English exchequer 1311 ; was a prebendary of Stafford 1312 ; became parson of Berkswell in Warwickshire 1315 ; appears as constable of Bordeaux 1322 ; became parson of Algarkirk in Lincolnshire 1323 ; appears as keeper of the privy seal ; came to Ireland as chancellor 1331 ; was superseded 1332 ; was reappointed, surrendered and was appointed a baron of the English Exchequer 1334 ; died 1339. [Foss's Judges.]

**1331 Simon Fitzrichard, knight ;**

appears in Ireland as advocate for the king 1325 ; held as custodian lands of Gormanston near Dublin 1330 ; received compensation for his losses in the king's service ; visited England 1331 ; obtained permission to bring corn from Ireland ; was appointed second justice of the Bench same year ; became chief justice of the Bench 1335 ; was superseded as chief justice 1337 ; became then a justice of the Bench ; was reappointed chief justice of the Bench 1338 ; visited England to see the king same year ; was accused of felonies in England, and was arrested for trespasses in Ireland 1342 ; went to England with the Earl of Kildare on the king's service 1348 ; was then styled knight ; held land in Louth and Ulster.

**1331 Richard le Broun ;**

was possibly a kinsman of the former judge of that name ; became a justice of the Bench 1331, and second justice 1334 ; appears possibly in Lincolnshire as a commissioner of oyer and terminer 1336.

**1331 Peter Tilliol, knight ;**

was a Cumberland landowner ; appears on the marches of Scotland with the Earl of Carlisle 1322 ; acted as a commissioner of oyer and terminer in Yorkshire 1328 ; went to Ireland in the spring of 1331 ; became chief justice of the justiciar's court ; appears as a commissioner in Cumberland 1333-48. [Nicolson and Burn's Hist. of Cumberland.]

**1331 John de Skelton ;**

was a Cumberland landowner ; represented that county in parliament ; appears as a legal commissioner in Cumberland and elsewhere 1318-30 ; went to Ireland ; became second justice of the justiciar's court 1331. [Nicolson and Burn's Hist. of Cumberland.]

**1331 Robert le Poer, clerk ;**

appears accompanying John de Hastings to Gascony 1307, and the bishop of Ely to Ireland 1316 ; was presented to church of Lutterworth in Leicestershire 1318, and to that of Adderley in Shropshire 1319 ; appears as a parson, and bailiff for John de Hastings, in co. Carlow 1322 ; became

chamberlain of North Wales 1323; was sent to Ireland by the king 1327; appears there as treasurer; visited England 1331; was appointed chief baron of the Exchequer same year; received also grant of office of chancellor of the exchequer, but surrendered it, 1334; 'was superseded as chief baron 1335; became then a baron; received patent as second justice of the Bench, but surrendered it, 1336; appears as chancellor of the exchequer again 1339; was reappointed chief baron same year; retired or died 1344.

**1331 Thomas de Louth;**

was sometimes called Luda; appears in England as a commissioner of oyer and terminer 1324; was appointed second justice of the Bench in Ireland, but did not act 1324; became chief justice of the justiciar's court 1331; was superseded 1333; was reappointed 1334; received custody of lands of Adam de Howth near Dublin 1335; was superseded, was reappointed and was again superseded as chief justice of the justiciar's court 1337; appears in prison charged with excesses; was reappointed chief justice on laudable testimony being borne to his conduct in that office 1338; was superseded finally a few months later.

**1331 Robert de Scardeburgh;**

derived his patronymic from Scarborough in Yorkshire; appears as a justice for Guernsey and Jersey 1331; was appointed chief justice of the Irish Bench same year; visited England 1332; received for services in Ireland and elsewhere custody of lands of Malahide near Dublin 1333; visited Scotland and England same year; was appointed chief justice of the justiciar's court, but probably did not act; was reappointed chief justice of the Bench 1334; surrendered that office in a few months on appointment as a justice of the English King's Bench; was reappointed chief justice of the Irish Bench but did not act 1337; became a justice of the English Common Pleas 1339 and of the English King's Bench 1341; was reappointed chief justice of the justiciar's court 1344; appears as a justice of Ulster 1345. [Dict. Nat. Biog.; Foss's Judges.]

**1332 John de Bray;**

appears in Middlesex as a commissioner of the peace 1332;

was appointed second justice of the Bench in Ireland same year ; retired 1334.

**1333 Richard de Hattecombe ;**

appears in Buckinghamshire as defendant in legal proceedings 1332 ; received an order to apprehend a criminal 1326 ; was appointed a justice of the Bench 1333 ; appears in Oxfordshire as a commissioner of oyer and terminer 1340-50.

**1333 Edmund de Grymesby, clerk ;**

derived his patronymic from Grimsby in Lincolnshire where he had property ; was presented to church of Moffat in diocese of Glasgow 1319 and to a moiety of church of East Keal in Lincolnshire 1322 ; appears as parson of Preston 1325 ; received commission to visit St. Leonard's Hospital in Derby 1327 ; was styled king's clerk 1330 ; was appointed keeper of the rolls of the Irish chancery 1333 ; came to Ireland and returned to England 1334 ; acted afterwards as a commissioner and clerk in the English chancery ; had charge of the great seal of England 1340, 1351 ; was granted licence to endow a chantry 1342 ; became a prebendary of St. Paul's Cathedral, and received other preferment ; died probably 1354. [Foss's Judges.]

**1333 Thomas de Brayles, clerk ;**

derived his patronymic from Brailes in Warwickshire ; was granted a protection 1322 ; appears in England as a commissioner of oyer and terminer 1328-31 ; was appointed chancellor of the Irish exchequer and second baron 1333 ; became parson of Tamworth in Warwickshire and of Brightwell in Berkshire ; appears in Norfolk as a commissioner of oyer and terminer 1339.

**1334 John de Hornby, the younger ;**

derived his patronymic from Hornby in Lancashire ; was son of John Hornby who was a commissioner of oyer and terminer there 1327 ; appears as a keeper of Lancashire 1332 ; was appointed second justice of the Bench in Ireland 1334 ; appears in Lancashire and Yorkshire as a commissioner of oyer and terminer 1338-41.



**1334 John de Kirkbythore ;**

was appointed second justice of the justiciar's court 1334.

**1334 Thomas de Dent ;**

derived his patronymic from Dent in Yorkshire ; appears in that shire as defendant in a suit for trespass at Ingleton 1331 ; was then styled clerk ; appears in Ireland acting as advocate for the king ; was appointed second justice of the Bench 1334, second justice of the justiciar's court 1337, chief justice of the justiciar's court 1341, and chief justice of the Bench 1344 ; appears at Kendal as a commissioner 1343 ; was granted lease of royal manor of Esker near Dublin 1351 ; appears in England 1361 ; nominated then attorneys in Ireland.

**1334 Hugh de Colwick, clerk ;**

derived his patronymic from Colwich in Staffordshire ; was presented to church of Bincombe in Dorsetshire 1326 ; appears in the employment of the crown ; was appointed a baron of the Exchequer in Dublin 1334 ; appears in England as auditor of the accounts of the Prince of Wales 1343-7 ; became engrosser of the exchequer there.

**1334 William de Bardelby, clerk ;**

derived his patronymic from Barlby in Yorkshire ; was probably a kinsman of William de Bardelby, keeper of the great seal of England in reign of Edward II ; appears as parson of church of Cubberley in Gloucestershire 1316 ; was presented to church of Garristown near Dublin 1318 ; appears as keeper of rolls of the Irish chancery 1334 ; died in or before 1337.

**1334 Thomas atte Crosse, clerk ;**

appears in Ireland as a prebendary of St. Patrick's Cathedral 1334 ; was appointed a baron of the Exchequer same year, and chief baron, during good behaviour 1335 ; received in consideration of his labours and charges in the king's service in England, Scotland, and Ireland, office of keeper of the king's market in Ireland 1336 ; appears in England as keeper of the great wardrobe 1337 ; was given much English ecclesiastical preferment and was chamberlain of the English exchequer 1337-48.



**1335 Henry Motoun, clerk ;**

appears as a prebendary in chapel of Hastings 1327 ; received presentation to a prebend in St. Patrick's Cathedral 1328 ; was appointed baron of the Irish Exchequer 1335 and was superseded 1336 ; appears afterwards in England ; was granted a prebend in Lincoln Cathedral 1345.

**1335 William de Hoo ;**

derived his patronymic from Hoo in Kent ; was son of William de Hoo ; accompanied Edward I's younger son, the Earl of Kent, to France 1324 ; was nominated as his attorney by the Earl of Kent 1329 ; received commission to inquire about treasure in Norfolk 1331 ; was appointed a baron of the Irish Exchequer 1335 ; reappears in England 1337

**1335 Hugh de Burgh, clerk ;**

was a kinsman of William de Burgh, Earl of Ulster and of Hugh de Burgh who was in the reign of Edward II keeper of the great seal of England ; came to Ireland on the king's service 1331 ; was appointed third baron of the Exchequer 1335 ; acted as attorney in Ireland for Queen Philippa and the Countess of Ulster ; was granted, as he had thus far done well, office of baron for four years 1337 ; was appointed chief baron two months later ; became keeper of the great seal 1339 and treasurer of Ireland 1340 ; visited England 1342, 1344 ; was reappointed chief baron 1344 ; was accused of misconduct 1347 ; visited England and received a pardon 1348 ; retired or died 1351.

**1336 John de Carleton, clerk ;**

appears as coroner of Holderness 1330 ; was styled master ; became summonister of the Irish exchequer 1332 ; was appointed second baron 1336.

**1336 Hervey Bagot, clerk ;**

was son of Sir Robert Bagot the Second ; was styled master ; was appointed second baron of the Exchequer 1336 ; was superseded 1337 ; was reappointed 1338 ; was transferred to the Bench as a justice 1340.

**1337 Nicholas de Snyterby, clerk ;**

was a kinsman of Thomas de Snyterby ; was appointed

second baron of the Exchequer 1337, and a justice of the Bench 1340; had contention as to office of baron with William de Epworth; was superseded as baron 1342; was reappointed second justice of the Bench 1347; received a commission of inquiry concerning the estates of the Earl of Desmond 1351; appears as a baron of the Exchequer 1352; was reappointed a baron of the Exchequer and a justice of the Bench 1354.

**1337 Thomas de Charlton, bishop of Hereford;**

was younger brother of John, first Lord Charlton; appears in the king's entourage; received much ecclesiastical preferment; was appointed keeper of the privy seal; became bishop of Hereford 1327; was appointed treasurer of England; received charge of the marches of Wales 1335; went to Ireland, on his brother becoming justiciar, as chancellor 1337; resigned the chancellorship on becoming custos of Ireland 1338; returned to England 1340; died 1344. [Dict. Nat. Biog.]

**1337 Robert de Hemmyngburgh, clerk;**

derived his patronymic from Hemmingborough in Yorkshire; was granted a fourth part of the church of Antigham in Norfolk, which had been previously held by a kinsman 1310; rendered good service to Edward II and Edward III in the English chancery; received presentation to a prebend in the church of Glasgow and to many churches in England 1319-33; was appointed keeper of the rolls of the Irish chancery 1337; received in Ireland grants of benefices for himself and his assistant; died in or before 1349.

**1338 John de Rees, clerk;**

appears in England as recipient of a protection 1337; came to Ireland in the train of John, Lord Charlton on his appointment as justiciar; was appointed chief justice of the Bench 1338.

**1338 John Gernoun;**

bears the name of one of the barons in Domesday; was son of Roger Gernoun, who distinguished himself in Ireland in the war with Edward Bruce; appears in England 1327;

was acting in Ireland for Elizabeth, daughter of William de Burgh, Earl of Ulster 1333; received exemption from services as a landowner 1337; was appointed a justice of the Bench 1338, and chief justice 1341; was superseded as chief justice 1344; was appointed second justice of the Bench 1348; appears as owner of land in co. Louth; died before 1358; left a widow who married John Keppok, one of his successors. [Waters's Chesters of Chicheley, p. 186.]

**1338 John de Middleton;**

appears in Ireland where he had come in the train of Thomas de Charlton 1338; was appointed then second justice of the justiciar's court; received, as he had proved faithful, a grant of that office for two years, 1340.

**1340 William de Epworth, clerk;**

derived his patronymic from Epworth in Lincolnshire; contended with Nicholas de Snyterby for office of second baron of the Exchequer 1340-2; was appointed finally 1342; received a grant of the office of steward of the king's demesne lands and courts in Ireland 1341; was superseded as second baron 1344 and as steward 1345.

**1341 Robert de Askeby, clerk;**

was probably a relation of Robert de Askeby, who, in the reign of Edward II, was a keeper of the great seal in England; appears as vicar of Newcastle-upon-Tyne 1333 and as parson of Wessington in Derbyshire 1355; was styled master; accounted for money received from merchants of Newcastle-upon-Tyne 1339, and searched ships in port of London 1340; was sent to Ireland as chancellor 1341 and was superseded 1342; received presentation to the church of Brantingham in Yorkshire, of Great Stanmore in Middlesex, and Pagham in Sussex 1344-9; appears as a prebendary of Salisbury and of Lincoln; visited Rome 1351.

**1342 John l'Archer, prior of the Hospitallers in Ireland;**

appears at Nottingham as a brother of the order 1334; became prior of the order in Ireland 1341; was appointed chancellor 1342; was superseded and was reappointed 1346; acted as deputy justiciar 1347; was superseded finally as chancellor 1350.

**1344 Godfrey Foljambe, knight ;**

was son of Sir Thomas Foljambe of Darley in Derbyshire ; appears as a knight of that shire 1338 ; obtained licence to endow a chantry in Bakewell Church for his own good estate and the guild of the Holy Cross 1344 ; came to Ireland as second baron of the Exchequer and became second justice of the justiciar's court same year ; visited England 1348, 1351 ; received a commission to visit St. Leonard's Hospital in Derby 1351 ; was appointed chief justice of the justiciar's court same year ; was superseded 1354 ; reappears in Derbyshire 1357 ; became again knight of that shire ; was given frequently commissions in Derbyshire and Lancashire ; died in or about 1382.

**1344 John de Rednesse ;**

derived his patronymic from Reedness in Yorkshire ; was son of Stephen de Rednesse of that place ; received a pardon for the death of his servant 1327 ; appears in Yorkshire as a keeper of the peace and a commissioner 1335-42 ; came to Ireland as second justice of the Bench 1344 ; was appointed chief justice of the justiciar's court 1346 and second justice of the justiciar's court 1351 ; visited England 1354 ; was reappointed then chief justice of the justiciar's court ; was superseded for a time in 1356 and in 1357, and finally in 1361 ; appears in Yorkshire as a commissioner 1374.

**1344 John le Hunte ;**

was son of Nicholas le Hunte of Fenny Stratford in Buckinghamshire ; accompanied Ralph de Ufford to Ireland on his appointment as justiciar 1344 ; acted that summer as second justice of the justiciar's court ; was then called John Hunter del Nassh ; was appointed chief justice of the justiciar's court 1345 ; married Margaret, sister and co-heiress of John de Wolverton, who died 1351.

**1346 John Morice, knight ;**

appears as a knight of the shire for Bedfordshire 1322 ; accompanied John Darcy to Ireland on his appointment as justiciar 1324 ; appears on commissions in Bedfordshire 1325, 1327 ; was styled then knight ; travelled frequently between England and Ireland ; appears as escheator of



Ireland 1332 ; acted as deputy for the justiciar 1341-4 ; appears in England 1344 ; was sent then to Ireland as justiciar ; became chancellor and was superseded also same year ; resided in England 1349-62 ; died in or about 1362.

**346 Henry de Motlowe, knight ;**

appears on a commission in London to inquire as to the counterfeiting of the seals of the king's wardrobe 1346 ; was appointed chief justice of the justiciar's court in Ireland a few days later ; appears on a commission of oyer and terminer in Derbyshire within four months ; became a justice of the Common Pleas in England 1357 ; retired or died about 1361. [Foss's Judges.]

**346 William de Whithurst, clerk ;**

appears as a clerk in the English chancery ; had rendered long and faithful service there ; was appointed keeper of the rolls of the chancery in Ireland 1346 ; received presentation to the church of Brixham in Devonshire 1349.

**347 John de Troie, clerk ;**

derived probably his patronymic from Troy in Monmouthshire ; appears in Ireland 1346 ; was then prebendary of Cloyne ; was appointed second baron of the Exchequer 1347 ; was superseded in favour of Epworth, but continued to hold office, 1348 ; appears as chancellor of St. Patrick's Cathedral, a prebendary of Ferns, and a prebendary of Emly in Ireland, and parson of Amersham in England ; was appointed treasurer of Ireland 1366, and chancellor of the exchequer 1368 ; died or retired 1370.

**348 John de Pembrok, clerk ;**

appears in the employment of the crown 1348 ; was appointed then third baron of the Exchequer ; became in addition chancellor of the exchequer 1350 ; appears as escheator of Ireland 1360 ; died in or before 1365.

**350 Thomas de Stirkland, knight ;**

was a Westmorland landowner ; went to Ireland 1349 ; appears there as second justice of the justiciar's court 1350 ; acted as a commissioner in Westmorland 1353. [Nicolson and Burn's Hist. of Westmorland.]



**1350 Humphry Sturdy ;**

appears going to Ireland to prepare for the justiciar 1349 ; acted as a commissioner to inquire into oppressions there 1350 ; appears also as a second justice of the justiciar's court.

**1350 Richard le Broun ;**

was appointed a justice of the Bench 1350 and second justice of the justiciar's court 1351.

**1350 John de St. Paul, archbishop of Dublin ;**

was a member of a family that is believed to have come from Guienne to Yorkshire ; appears as a clerk in the English chancery 1318 ; was custodian of the great seal there 1334 ; received much English ecclesiastical preferment ; was appointed master of the rolls there 1334 ; became archbishop of Dublin 1349 ; was appointed chancellor of Ireland 1350 ; retired 1356 ; died 1362 ; was buried in Dublin in Christ Church Cathedral. [Dict. Nat. Biog. ; Foss's Judges ; Ware's Bishops.]

**1350 Robert de Leycestre, clerk ;**

appears in attendance on the king's sister 1332 ; was parson of Keevil in Wiltshire 1347 ; became keeper of the rolls in the Irish chancery 1350 ; was given, in error, office of second chamberlain of the Irish exchequer 1352 ; died in or before 1356.

**1351 Robert de Emeldon, clerk ;**

derived his patronymic from Embleton in Northumberland ; was probably a near kinsman of Richard de Emeldon, who was mayor of Newcastle-upon-Tyne early in the reign of Edward III ; served in the English chancery in reigns of Edward II and III ; appears as vicar of Lesbury in Northumberland 1329 ; went to Ireland ; appears as a prebendary of Clonfert 1336 ; was pardoned then, in consideration of his services in Ireland, for the death of Sir Ralph de Byrton ; appears as a purchaser of corn and wine at Southampton 1336 ; was appointed chancellor of the Irish exchequer 1340 and treasurer 1349 ; became archdeacon of Meath in the latter year ; was indicted and imprisoned by the justiciar 1350 ; became chief baron of the Exchequer 1351 ; died or retired 1355.

- 351 Hugh de Malton ;**  
appears as second justice of the justiciar's court 1351.
- 354 John de Kent ;**  
appears in England but as connected with Ireland 1348 ;  
was appointed second justice of the justiciar's court 1354 ;  
received a pardon 1355.
- 1354 Thomas de Bowes, clerk ;**  
derived his patronymic from Bowes in Yorkshire ; appears  
in Ireland as keeper of the great seal 1350 ; was appointed  
a baron of the Exchequer 1354.
- 1355 John de Burnham, clerk ;**  
derived his patronymic from Burnham in Norfolk ; was  
presented to church of Felmersham in Bedfordshire 1333 ;  
was styled master ; appears as a purchaser of wheat 1338,  
and an assessor of the ninth in Bedfordshire 1340 ; went  
to Ireland as treasurer 1343 ; became a prebendary of  
St. Patrick's Cathedral and of Cloyne ; was summoned to  
England to render account and was detained there several  
years ; was appointed chief baron of the Irish Exchequer  
1355 ; visited England 1361 ; died or retired 1363.
- 1356 Richard de Wirkeley, prior of the Hospitallers in Ireland ;**  
appears in England as a brother of the order 1353 ; went  
to Ireland as prior 1354 ; appears as chief justice of the  
justiciar's court 1356 ; was ordered then not to intermeddle  
further with it.
- 1356 John de Frowyk, prior of the Hospitallers in Ireland ;**  
appears as prior 1356 ; was appointed then chancellor of  
Ireland.
- 1356 Thomas Minot, archbishop of Dublin ;**  
was a member of a family then prominent in the service of  
the crown, and probably a kinsman of Laurence Minot, a  
lyric poet of that time ; appears in the employment of the  
crown ; was styled master ; was granted churches in North-  
orpe in Lincolnshire 1349 and Seaton in Rutland 1351 ;  
appears in Ireland 1354 ; received various prebends and  
dignities there ; was appointed third baron of the Exchequer  
in Dublin to supervise and hasten the interest of the king

1356 ; became archbishop of Dublin 1363 ; erected a steeple on St. Patrick's Cathedral ; died in London 1375. [Ware's Bishops.]

**1356 Bartholomew Dardys ;**

was a member of a family settled in Ireland ; appears in England 1332 ; was appointed second justice of the Bench 1356.

**1356 Thomas de Cotyngham, clerk ;**

derived his patronymic from Cottingham in Yorkshire ; served for nearly thirty years as a clerk in the English chancery ; was presented in error to church of St. Mary, Cambridge 1343 ; acted as a keeper of the English great seal 1349 ; was presented to several churches ; was appointed keeper of the rolls of the Irish chancery 1356 ; received a promise of preferment in Ireland for past services and the labours which he would have to endure in the keepership ; resumed soon after his place in the English chancery ; was then a clerk of the first degree ; received presentation to more churches ; died in 1370. [Foss's Judges.]

**1356 John de Halydon ;**

appears in Ireland as second justice of the justiciar's court 1356 ; acted as a commissioner of oyer and terminer touching traitors there 1357.

**1357 Peter Malorre, knight ;**

was a descendant of Peter Malorre, justice of the English bench in the reign of Edward I ; appears as a landowner in Northamptonshire ; was pardoned at the request of the Prince of Wales 1346 ; was styled knight ; appears as a commissioner of oyer and terminer in Northamptonshire 1347 ; was imprisoned in the Fleet for debts to the king and queen 1353 ; appears as a commissioner of oyer and terminer again in his own county 1355 ; accompanied Emery de Sancto Amando to Ireland on his appointment as justiciar 1357 ; was appointed second justice of the justiciar's court in that year ; returned to England ; was imprisoned for trespass against the chief justice of the English King's Bench 1364 ; was pardoned at the request of David de Bruce.

**1358 Robert de Preston, knight ;**

was son of Roger de Preston ; appears in England 1346 ; acquired property at Preston ; married Margaret, daughter and ultimate heiress of Sir Walter de Bermingham, sometime justiciar of Ireland, 1353 ; appears in Ireland as the king's advocate 1355 ; was appointed chief justice of the Bench 1358 ; joined in an expedition against the O'Byrnes in Wicklow 1361 ; was knighted in that year by the justiciar ; married secondly Johanna Hugely ; purchased Gormanston 1363 ; was superseded as chief justice of the Bench 1378 ; acted as keeper of the great seal 1388, and as deputy justiciar 1389 ; was appointed chancellor of the exchequer 1391 ; died 1396. [Gormanston Register.]

**1359 William le Petit ;**

appears in Ireland as the king's advocate 1343 ; was pardoned at request of the Earl of Ormond for death of Robert de Lynham 1351 ; was nominated by the Countess of Ormond as her attorney 1355, appears as chief justice of the justiciar's court 1359.

**1359 Thomas de Burley, prior of the Hospitallers on Ireland ;**

appears as prior 1359 ; was then also chancellor of Ireland ; visited England 1364 ; was described then as preceptor of the order in Shropshire as well as prior in Ireland ; was superseded as chancellor same year ; was reappointed chancellor 1368 ; engaged in negotiations with the Berminghams at Carbury, and was taken prisoner by them.

**1360 Nicholas Lombard ;**

was son of Richard Lombard, a member of a family identified with Waterford ; appears in Ireland as the king's advocate 1345 ; was appointed in error second baron of the Exchequer 1356 ; appears as second justice of the justiciar's court 1360.

**1361 William de Notton, knight ;**

derived his patronymic from Notton in Yorkshire ; appears as a landowner there ; acted in England as a commissioner of oyer and terminer 1343-5 ; was styled king's serjeant ; was appointed a justice of the King's Bench there 1355 ; was sent to Ireland with the Duke of Clarence on his appoint-



ment as the king's lieutenant 1361; became then chief justice of the justiciar's court; retired or died 1365. [Foss's Judges.]

**1363 Richard White ;**

was described as of Clongill, co. Meath; appears in England 1352; was given licence to bring corn for sale from Ireland; returned to Ireland 1354; was appointed chief justice of the justiciar's court 1363; was sent by the commons to report to the king 1364; retired or died 1367.

**1363 Robert de Holywode, knight ;**

derived his patronymic from Hollywood in co. Dublin; appears in Ireland as remembrancer of the exchequer 1356; provided for the defence of Leinster 1359; was pardoned for acquiring land 1361; appears as chief baron of the Exchequer 1363; was superseded 1364; reappears as chief baron 1367; was granted for his good service in Ireland licence to found a chantry in Hollywood church 1373; was superseded as chief baron 1376; visited England same year; died in or before 1384.

**1364 John Keppok ;**

was son of Simon Keppok, a member of a family connected with co. Louth from very early times; was described as of Dromcashel; appears in England 1352; was retained by Walter Cusake as his counsel same year; appears in Ireland as the king's advocate 1356; was appointed chief baron during good behaviour 1364, and chief justice of the justiciar's court during pleasure 1367; was superseded 1370; was appointed justice of the justiciar's court same year; reappears as chief justice of the justiciar's court 1372; acted as deputy for the chancellor 1375; was superseded as chief justice and was appointed second justice of the justiciar's court 1382; died 1404.

**1364 John de Uppingham, clerk ;**

appears as receiving presentation to the church of Warming-ton in Warwickshire, 1349, of Kingscliffe in Northamptonshire 1350, and of Cottenham in Cambridgeshire 1357; held office of deputy controller of the king's household 1359; was appointed second baron of the Irish Exchequer 1364; appears as a commissioner at Southampton 1375.



**1364 Thomas de Quixhull, clerk ;**

appears in Dublin as engrosser of the exchequer 1351 ; received in consideration of his good conduct a grant of that office so long as he had strength to exercise it 1352 ; was appointed third baron of the Exchequer 1364.

**1364 Robert de Assheton, knight ;**

was son of Robert de Assheton, and Elizabeth, daughter of Ralph de Gorges ; appears as governor of Guienne ; was commissioned to raise forty archers in Somersetshire and the adjoining shires for service in Ireland 1363 ; went to Ireland with the Duke of Clarence 1364 ; was appointed then chancellor ; received licence to have a guard of six men-at-arms and twelve mounted archers ; appears in possession of the manor of Poorstock in Dorsetshire 1366 ; was given licence to ship thence oats and beans to Bordeaux and beans to Ireland ; was superseded as chancellor 1367 ; became constable of the castle of Sandgate near Calais 1368 ; was admiral of the West 1369 ; became justiciar of Ireland 1372 ; was recalled 1373 ; held offices of chamberlain and king's butler ; appears as treasurer of England 1375 ; became constable of Dover Castle 1381 ; died 1384 ; married twice. [Dict. Nat. Biog. ; Genealogist, N.S., xxxvi. 62.]

**1365 Thomas de la Dale, knight ;**

appears in England as exempted from public duties 1358 ; went to Ireland in the train of Lionel, Duke of Clarence, 1361 ; returned with him to England 1364 ; went back to Ireland with him same year ; appears as chief justice of the justiciar's court 1365 ; became custos of Ireland 1366 ; appears in England 1368 and in Ireland 1369 ; died in or before 1373.

**1367 Thomas le Reve, bishop of Lismore and Waterford ;**

appears as a prebendary of Killaloe and of Lismore 1358 ; became then bishop of Lismore ; held also bishopric of Waterford 1363 ; was appointed chancellor 1367 ; was superseded 1368 ; died 1393. [Ware's Bishops.]

**1367 William de Karlell, clerk ;**

derived his patronymic from the town of Carlisle ; appears

in Ireland in the train of the Duke of Clarence 1361 ; became a prebendary in St. Patrick's Cathedral 1367 ; was appointed a baron of the Exchequer same year ; received a reward for his activity 1374 ; became archdeacon of Meath ; appears also as a prebendary in dioceses of Cashel, Ossory, Ferns, Cloyne, and Cork ; was rector of Youghal ; became chief baron 1384 ; was buried in Kilkenny Cathedral. [Graves and Prim's Cath. of St. Canice, p. 151.]

**1367 Robert Randolph, clerk ;**

appears in Ireland 1365 ; was a prebendary of the free church of Penkridge in diocese of Coventry 1366-7 ; appears as vicar of Swords 1367 ; was then also a baron of the Exchequer.

**1368 James de Wotenhull, clerk ;**

was a kinsman of James de Wotenhull sometime chancellor of the exchequer in Ireland ; appears there as attorney for the Earl of March 1354 ; was parson of Kilberry in co. Meath 1360 ; appears as a baron of the Exchequer 1368 ; died in or before 1371.

**1369 John Brettan ;**

appears as chief remembrancer and a baron of the Exchequer 1369.

**1370 William de Skipwith, knight ;**

derived his patronymic from a lordship in Yorkshire ; was son of William Skipwith who married Margaret, daughter of Ralph Fitzsimon of Ormsby in Lincolnshire ; became a landowner in Lincolnshire ; appears in England as king's serjeant 1354, as a justice of the Common Pleas 1359, and as chief baron 1362 ; was removed for alleged misconduct 1365 ; went to Ireland as chief justice of the justiciar's court 1370 ; acted in Dublin as justice of gaol delivery early in 1373 ; appears in Lincolnshire as a commissioner of oyer and terminer same year ; was restored to the English bench as a justice of the Common Pleas 1376 ; retired in or about 1388 ; married Alice, daughter of Sir William de Hiltoft of Ingoldmells in Lincolnshire. [Dict. Nat. Biog. ; Foss's Judges.]

**1370 John de Botheby, clerk ;**

derived his patronymic from Boothby in Lincolnshire ; appears as a royal clerk ; was presented to church of Keyingham in Yorkshire 1343 ; held the manor of Cameringham in Lincolnshire 1355 ; acted frequently there as a commissioner ; received licence to export corn and beans of his own crop 1360 ; came to Ireland as chancellor 1370 ; received licence to have a military guard ; went to England to report on the state of Ireland 1372 ; appears as vicar of Hound in Hampshire and parson of Bainton in Yorkshire ; was given vicarage of St. Sepulchre's, Northampton 1380.

**1372 Thomas de Thelwall, clerk ;**

appears as a clerk in the English chancery ; was presented to church of Polebrook in Northamptonshire 1361 ; went to Ireland with William de Windsor, then the king's lieutenant, 1369 ; appears as keeper of the rolls of the Irish chancery 1372 ; became also a prebendary of St. Patrick's Cathedral ; resumed his duties in the English chancery of England 1373 ; appears as a clerk of the first degree ; was appointed then chancellor of the duchy of Lancaster ; died about 1382.

**1374 Robert Sutton, clerk ;**

appears in Ireland as a chief clerk in the chancery 1373 ; became joint keeper of the rolls 1374 ; was appointed keeper 1377 ; held then a prebend in St. Patrick's Cathedral ; appears as deputy escheator 1380 ; became parson of Trim and archdeacon of Kells ; was appointed deputy chancellor 1385 ; was superseded as keeper of the rolls 1386 ; appears as a prebendary of Ossory ; acted as deputy justiciar 1390 ; was appointed clerk of the hanaper same year ; appears as keeper of the great seal 1394 ; was reappointed keeper of the rolls 1395 ; appears as keeper of the great seal 1397 ; was superseded as keeper of the rolls 1398 ; became deputy treasurer 1403 ; was reappointed keeper of the rolls 1404 ; acted as deputy chancellor 1405, 1406, 1412 ; retired or died, having served under five kings 1430.

**1374 Thomas de Everdon, clerk ;**

appears in Ireland as a chief clerk in chancery 1373 ; became joint keeper of the rolls 1374 ; retired 1377 ; appears to have acted sometime as chief baron ; was appointed sole

keeper of the rolls 1386; acted as deputy chancellor; was superseded as keeper of the rolls 1395; became dean of St. Patrick's Cathedral 1396; resigned and became a prebendary 1399; was reappointed keeper of the rolls 1401; acted as deputy chancellor 1402; was superseded as keeper of the rolls 1404; appears as treasurer 1406; died 1413. [Mason's Cath. of St. Patrick, p. 130.]

**1374 William Tany, prior of the Hospitallers in Ireland;**

appears in Ireland as justiciar 1373-4; became chancellor in the latter year; received licence to have a military guard; was superseded 1376; was reappointed 1381; was superseded again 1383; received licence then to be absent from Ireland for twenty weeks on business with the prior of the order in England.

**1374 Nicholas de Moenes;**

was a kinsman of William de Moenes; appears in England 1365; returned to Ireland; acted as second justice of the justiciar's court 1374.

**1376 Robert de Wikeford, archbishop of Dublin;**

derived his patronymic from Wickford in Essex; was a fellow of Merton College, Oxford; became a clerk in the English chancery; was granted the archdeaconry of Winchester 1368; went on embassies abroad; was appointed constable of Bordeaux 1373; became archbishop of Dublin 1373; was appointed chancellor 1376; was superseded and reappointed 1377; was superseded again 1380; was reappointed 1384; was superseded finally 1385; died 1390. [Dict. Nat. Biog.; Ware's Bishops.]

**1376 John Tirel;**

was son of Warin Tirel, a member of a family settled in Ireland from very early times; appears in England 1354; acted in Ireland as the king's advocate from 1372; was appointed a justice of the justiciar's court 1376; received exemption from duties as a landowner 1378; appears as chief justice of the Bench 1386; resigned or died 1395.

**1376 Richard Plunket;**

was a member of the family ennobled under the titles of Fingal and Dunsany; appears in Ireland as the king's

advocate 1372; was appointed a justice of the Bench 1376, and chief justice of the justiciar's court 1388; had charge then of the great seal; died a few months later.

**1376 Stephen de Bray;**

appears in Ireland 1359; acted on a commission of inquiry about trespasses and other enormities there 1364; was appointed chief baron of the Exchequer 1376, 1377; appears as chief justice of the Bench 1380.

**1376 John de Pembrok, clerk;**

was probably a kinsman of the former John de Pembrok; appears as a clerk in the English chancery 1376; went to Ireland then as second baron of the Exchequer; received also presentation to church of Southampton; found the emolument of the latter insufficient 1384.

**1376 Henry Michel;**

was a son of John Michel of Killeek; appears in England 1344; returned to Ireland, and was acting as attorney for the king 1372; appears as chief baron of the Exchequer 1376, and as chief justice of the Bench 1378; died in or before 1384.





BOOK II

SOVEREIGNS—RICHARD II TO ELIZABETH.  
YEARS—1377 TO 1603



## CHAPTER I

### MEDIÆVALS

SOVEREIGNS—RICHARD II TO RICHARD III.  
YEARS—1377 TO 1485

NOTWITHSTANDING the Wars of the Roses which rent social order in Ireland as well as in England, it was in the period of which this chapter treats that the Irish judiciary attained a firm position. As the period advanced, although appointments were made almost invariably at the king's pleasure, fixity of tenure became the usage in the case of judicial offices. For example, in the first half of the hundred and eight years which this chapter covers, there were forty-four appointments to the chief seats in the three common law courts, and in the latter half twenty-two. An exception was, however, to be found in the case of the chancellors, their average duration of office continuing to be no more than two and a half years. In addition to fixity of tenure, legal qualification became manifest as a rule in everyone who attained to a judicial seat. But again the exception is to be found in the case of the chancellors whose attainments continued of a varied and often elusive character.

At the beginning of the period, in 1391, the principal common law tribunal lost the cumbrous appellation of the court of the pleas following the justiciar and obtained the designation of the King's Bench. No less striking is the disappearance of the amphibious clerk, who, except in the case of the chancellors and the keepers of the rolls, is not noticeable after the first quarter of the period. This change was due to the fact that about

the year 1400 the barons of the Exchequer were found to be ignorant of the law, and that need existed that they should be learned in it—"nul baron est illoques apris de la ley come grant boisoigne seroit."<sup>1</sup>

Looking at the lives of the persons appointed as chancellors, it is not easy to see how the duties of the chancellorship were performed. The chancellor was bound to sit always in such place and times as the ministers of the chancery "may be ther and then present," and in term time was in person to make "his abidyng in the place wher the kyng's courts be kept," unless, for great and urgent cause, his absence should be allowed by the chief governor and the majority of the council. In the king's letter in which his obligations are thus laid down, the chancellor was enjoined to deliver to the clerk, or keeper of the rolls, all such warrants as came to his hands, and to seal "no pardons under the king's grete sele unto any man upon his provisione from the court of Rome without the kyng's knowledge or consent." According to this letter, the duties of the clerk, or keeper of the rolls, was to enrol all patents before they were delivered to the parties concerned, and to keep the records so that "none of them be rased ne besoiled." He was to see and write "at every sele what profite growith on to the kyng thereof" and to be careful that no livery or restitution be made "without that the kyng be furst answered of his duete."<sup>2</sup>

Until the last decades of the reign of Edward the Third, the locus of the Bench as well as of the Exchequer had been in Dublin, but soon after the Exchequer was moved to Carlow, in 1364, the Bench was also moved thither. With that town both the Bench and the Exchequer remained identified for thirty years. In 1388 in a patent of appointment to the chief seat, the Bench is described as the Bench of Carlow, and in

<sup>1</sup> Gilbert's *Viceroy's*, p. 563.

<sup>2</sup> *Ibid.*, pp. 594-5.



1391 one of the barons of the Exchequer was given in Carlow an interest in "the king's tower at the hanging-bar," and in a messuage called "the wainshield."<sup>1</sup>

During the reign of Richard the Second, from 1377 to 1399, the office of chancellor was held by nine persons, of whom only one was a layman, namely, three archbishops of Dublin, Robert de Wikeford, Robert de Waldby, afterwards archbishop of York, and Thomas Cranley; a bishop of Meath, Alexander de Balscote; a bishop of Ossory, Richard Northalis, afterwards archbishop of Dublin; a bishop of London, Robert de Braybrok; a dean of St. Patrick's Cathedral, John de Colton, afterwards archbishop of Armagh; a prior of the Hospitallers, William Tany; and a knight, Ralph de Cheyne.<sup>2</sup> Of these, as far as Ireland is concerned, the most outstanding figures were Alexander de Balscote and John de Colton. To Alexander de Balscote, who was successively bishop of Ossory and Meath, the offices of chancellor and justiciar were each committed four times. Although he incurred more than once royal displeasure, his learning and wisdom made him indispensable, and he was holding the great seal at the time of his death in 1400. John de Colton, who lives as the author of a "Visitation of Derry," began his career in the middle of the fourteenth century as master of the newly-founded Gonville Hall at Cambridge. Twenty years later he appears in the service of the crown, and went to Ireland as treasurer of that country, with which office he joined soon the deanery of St. Patrick's Cathedral. He acted as treasurer but for a few years, and was afterwards successively chancellor and justiciar for shorter periods. Finally he became in 1381 archbishop of Armagh, which see he held until his death twenty years later.

<sup>1</sup> Pat. Rolls, Ric. II, iii. 436; iv. 390.

<sup>2</sup> In 1380, John Gilbert, bishop of Hereford was appointed chancellor of Ireland, but did not assume office.

As he was inspired with military ardour as well as theological learning he suited Ireland, and opposed successfully the Irish tribes in their predatory raids, leading in person a military force against them. He visited England frequently, staying there for two or three years at a time, and was high in the favour of Richard the Second, who sent him to Rome on a secret mission. Of the other prelates the most remarkable was Robert de Waldby, the events of whose life are thus recorded on a brass in Westminster Abbey :

Hic fuit expertus in quovis jure Robertus  
de Waldeby dictus nunc est sub marmore strictus ;  
sacræ scripturæ doctor fuit et genituræ  
ingenuus medicus, et plebis semper amicus  
consultor regis optabat prospera legis ;  
ecclesiæ choris fuit unus bis quoque honoris  
præsul Adurensis post archos Dubliniensis,  
hinc Cicestrensis tandem primas Eborensis ;  
quarto k janui migravit cursibus anni  
septini milleni ter c nonies quoque deni ;  
vos precor orate que sint sibi dona beate  
cum sanctis vite requiescat et hic sine lite.<sup>1</sup>

In the chiefships of the pleas following the justiciar,

<sup>1</sup> Dr. Lawlor's *Monuments of Archbishops of Dublin*, p. 117. The lines have been thus rendered into English by the Rev. William Dunkin (*Ware's Works*, 1764, i, pref., 335) :

Under this stone Robert Waldby's confin'd,  
A skilful physician to body and mind ;  
For in physical books no less was he read,  
Than in Holy Writ, to which he was bred.  
Adept in the law both canon and civil,  
Who guarded the people from all sorts of evil,  
Tho' subject and prince with advice he befriended,  
Not rigour, but reason in laws he commended.  
In Aire he presided, and Chichester see ;  
Of Dublin and York archbishop was he.  
In May thirteen hundred ninety and seven,  
This life he exchang'd for a better in Heaven.  
Among saints above may be ever be blest,  
And here undisturb'd in quiet may rest.

or as it became in 1395, the King's Bench, the Common Bench, and the Exchequer, twenty-two persons appear during the reign of Richard the Second. Of these persons, at least six had acted as counsel for the crown in Ireland, namely, Sir Robert de Preston, John Keppok, John Tirel, Richard Plunket, Henry Michel, and William Tynbegh, and at least three were English lawyers, John Penros, Edmund de Clay, and William Hankeford. Amongst the chief judges, not alone in Richard the Second's reign, but in many reigns, pride of place is due to William Hankeford, who, after serving for a time as a justice of the English Common Bench, became chief justice of England, and who was a man of high social rank, thought worthy of knighthood with the ritual of the bath in 1399 at the coronation of Henry the Fourth. His service in Ireland, which was as chief justice of the King's Bench, originated in the visit paid by Richard the Second in the years 1394-5 to that country. With Hankeford there went as his puisne William Sturmy, a man of similar position, and made already a knight. As it coincided with the transformation of the justiciar's court into the King's Bench, their appointment had probably for its object the inauguration of the tribunal under its new name with becoming dignity, and by Sir John Davies, who speaks of both Hankeford and Sturmy as men well learned in the law, it was taken as indicating a desire on Richard the Second's part to reform Irish legal procedure, which was "out of order as all other things in that realm."<sup>1</sup> But on this point Davies seems to place too much weight, as the stay of Hankeford and Sturmy in Ireland was measured by months, and was not terminated as Davies supposed by the deposition of Richard. John Penros, who had filled ten years before in 1385 the same seat as Hankeford in Ireland, became also an English judge, but while in Ireland his conduct

<sup>1</sup> Works of Sir John Davies, ii. 135.

was the subject of criticism, and his departure was precipitate and without licence.

Taking now the years from 1399 to 1461, covering the reigns of Henry the Fourth and Henry the Fifth, and nearly the whole of that of Henry the Sixth, there appear in the office of chancellor two archbishops of Dublin, Thomas Cranley and Richard Talbot; two bishops, one of Meath and the other of Ferns, Alexander de Balscote and Patrick Barret; a prior of the Hospitallers in Ireland, William Fitzthomas; three clerks, William Yonge, Thomas Chace, and Richard Wogan; an earl, Edmund Earl of Rutland; a baron, John Lord Dinham; and three knights, Laurence Merbury, Richard Fitzeustace, and John Talbot, who became second Earl of Shrewsbury. Of those in holy orders, the most striking figures are the two archbishops of Dublin. Thomas Cranley, who had three terms of office as chancellor and acted also as justiciar, was a most distinguished alumnus of Oxford University, of which he had been chancellor. He was no less eloquent in speech than profound in learning, and had a handsome and commanding presence. By an early historian he has been apostrophized after the manner of the psalmist: "Thou art fair beyond the children of men: grace is diffused through thy lips because of thine eloquence."<sup>1</sup> As he died near Oxford, his body was laid in the chapel of New College, of which he had been warden, and there his virtues are recorded in the following epitaph:

Incedens siste locus aspice quid tenet iste  
pontificis gratum Deuelyn corpus tumulatum;  
transfuga quam carnis dum vita vices variavit;  
mors carnis vivis sub humo lectum sibi stravit;  
annis bis denis pater almus alumnus egenis  
sedit sacratus; fungens vice pontificatus  
spiritus eripit non arte valens revocari;  
queso piis precibus sibi vestris auxiliari.

<sup>1</sup> Ware's Works, 1764, i. 337.

Flori pontificum Thome Cranley deus istum  
 annuit optatum funeris esse locum ;  
 talem nutrit locus is quum postea rexit,  
 quo sibi quesivit requiem cum lumina flexit ;  
 m c junge quater i duplex v numera ter  
 invenies annum quo suit iste pater  
 Aldelmi festo cursu migravit honesto  
 qui circumstatis precibus sibi subveniatis.<sup>1</sup>

Richard Talbot, who succeeded Cranley in the see of Dublin, was, like his predecessor, three times chancellor and acted more than once as chief governor. As brother of the first Earl of Shrewsbury he was a great personage with right of audience at court, and in the later years of his life he was involved in constant conflict with the powerful nobleman who then bore the title of Ormond. One of the clerks, Thomas Chacc, who held the office of chancellor for the exceptional period of eleven years, deserves notice as having been previously, like Cranley, chancellor of Oxford University, and another clerk, Richard Wogan, who had two terms of office, is remarkable as having in the interval engaged in the defence of Bayonne. Of the lay chancellors the most notable is Edmund, Earl of Rutland, as he affords a unique instance of the Irish great seal being held by a minor. When appointed by his father,

<sup>1</sup> Dr. Lawlor's *Monuments of Archbishops of Dublin*, p. 118. The Rev. William Dunkin has rendered this inscription, as well as the one to Robert de Waldby, into English, but his version of the first portion, as that portion had been wrongly deciphered, is worthless. His version of the latter portion of the inscription is as follows (Ware's *Works*, 1764, i. 338):

That flow'r of prelates, good Cranley, you see,  
 Is laid (God would have it) where he wished to be ;  
 His place of learning, which he after blest  
 In governing, he chose to be his rest,  
 M join to C four times, and double I,  
 V number thrice to know when he did die ;  
 St. Aldelm's feast he found that joyful day ;  
 For him I wish all standers-by to pray.



Richard, Duke of York, in the opening weeks of 1460 to the chancellorship, he was not sixteen, and when his term of office ended by his death at Wakefield, he was no more than seventeen.

Of twenty persons who held the chief seats in the common law courts from 1399 to 1461, all with two or three exceptions belonged to families identified with Ireland. Amongst the exceptions Henry Fortescue, who went to Ireland in 1426 as chief justice of the King's Bench, is conspicuous as brother of one of the most learned chief justices of England in mediæval times; and amongst those identified with Ireland Christopher Barnewall and Sir Nicholas Barnewall, in the office of chief justice of the King's Bench, and James Fitzwilliam, in the office of chief baron, are notable, the first two as ancestors of Lord Trimlestown, and Fitzwilliam as an ancestor in the female line of Lord Pembroke. In the office of chief justice of the Common Bench lengthy tenure is found in the cases of John Fitzadam and Sir Robert Dowdall, the former presiding in that court for over twenty, and the latter for over forty years. On one occasion Sir Robert Dowdall had an extraordinary experience in being assaulted by no less a person than the prior of the Hospitallers, who advanced sword in hand upon him while he was going on a pilgrimage to a sacred well near the priory, and put him in fear and danger of his life.<sup>1</sup> But violence seems indigenous to the Irish soil, and one of the chief barons of that time, James Cornwalsh, who held the office on two occasions, in all for nearly twenty years, was slain in a lawless broil while occupying temporarily Bagotrath Castle, which has been mentioned as the seat of one of his early judicial predecessors.

In the office of chief baron, James Cornwalsh was succeeded by his son, Sir John Cornwalsh, but not without prolonged contention with another claimant to

<sup>1</sup> Dr. Berry's Statute Rolls, Edw. IV, pp. 33-5.

the place. The patent appointing Sir John Cornwalsh was issued in Ireland a week after his father's death, and the one appointing his rival, Michael Gryffin, was issued in England four weeks later. At the time Sir John Cornwalsh was fighting "the king's Irish enemies in Ossory,"<sup>1</sup> and his rival was instrumental in depriving him of the fruits of office for five years, when it was declared that his rival's patent had been obtained surreptitiously and illegally. Although he had resided in London in early life, for the purposes of legal education, Sir John Cornwalsh's sufficiency for the place of chief baron was questioned, and he appears at a subsequent period in a truculent character fighting with the chief governor and the council and inciting the citizens of Dublin to disobey their authority, but in the confusion of those times the responsibility for wrong-doing is not easily apportioned.<sup>2</sup>

During the twenty-four years covered by the reign of Edward the Fourth, the conclusion of the reign of Henry the Sixth, and the reign of Richard the Third, from 1461 to 1485, the chancellors became more than ever evanescent and heterogeneous. They included two earls, Thomas, Earl of Kildare, and John, Earl of Worcester; two barons, Roland, Lord Portlester and Robert, Lord Howth; an abbot, Walter Champfleur, abbot of St. Mary's Abbey in Dublin; a prelate, William Sherwood, bishop of Meath; a cleric, Richard Martyn, who became bishop of St. Davids; two knights, William Welles and Gilbert Debenham; and an earl's brother, Thomas Fitzgerald. The Earl of Kildare, the most powerful Irishman of that day, and the Earl of Worcester, "the butcher of England," albeit an accomplished scholar and a patron of learning, were appointed almost simultaneously, the former by an Irish patent, and the latter a few weeks later by an English one, and they had no doubt contention, but meantime the Earl

<sup>1</sup> Pat. Rolls, Hen. VI, iv. 352.

<sup>2</sup> Gilbert's Viceroy, pp. 396-7.

of Kildare being on the spot managed to secure the profit of office. With the exception of Sir William Welles, who had been senechal of Meath, and of Lord Portlester, who had been treasurer of Ireland for nearly twenty years—the eleven persons named were distinguished by their unfitness to perform the duties, and were in most cases probably not expected to do so. But it is possible that this inflated list of chancellors ought to be extended, for it was stated fifty years later that during this period Sir Walter Devereux, who became through his wife, Lord Ferrers, and Sir Edmund Dudley, who was a brother-in-law of the Earl of Worcester, received for some time an allowance in right of holding the office of chancellor,<sup>1</sup> and Sir Edmund Dudley's brother, William Dudley, who became bishop of Durham, and an unknown person, Robert Allameston, are given as chancellors in this period by an old authority.<sup>2</sup>

To the chief seats in the common law courts eight appointments were made. Amongst those appointed the name of Plunket, destined in modern times to gain glory for the Irish bar, is conspicuous in the person of Sir Thomas Plunket, chief justice of the King's Bench, and of his nephew, Thomas Plunket, successively chief baron and chief justice of the Common Bench. But they were not the first of their name to hold a judicial seat, for the father of Thomas Plunket, whose christian name was Robert, had for a brief space preceded Sir Thomas Plunket, who was his elder brother, in the chief seat of the King's Bench. Another chief of the King's Bench deserving of notice is John Chevir, who had previously filled the office of the keeper of the rolls, and had at the same time acted as speaker of the Irish house of commons, being one of the first speakers whose names are known.

Amongst the keepers of the rolls, and the puisne

<sup>1</sup> Lib. Mun. Pub. Hib., ii. 14.

<sup>2</sup> Ware's Works, 1764, ii. 108.

justices and barons, there are few men of note. Robert Sutton, who had custody of the rolls under five sovereigns, between 1374 and 1430, acted on one occasion as deputy lieutenant, and in this capacity called a parliament; and Barnaby Barnewall, another ancestor of Lord Trimlestown, who was for thirty years, from 1461 to 1491, a puisne justice of the King's Bench, was prominent amongst the landowners of Meath, and was a representative of that county in the brotherhood of St. George, which was constituted in the reign of Edward the Fourth for the protection of the Irish home counties, then known as the Pale. One of the barons of the Exchequer, Nicholas Sutton, is remarkable in having made a will which survived until lately, and was full of curious detail. It was dated in the year 1478. He was a married man with children, but styled himself clerk and appears as a devoted son of the church. In the event of the failure of heirs, he directed that his lands, both in England and Ireland, were to be divided between St. Werburgh's Church and St. Mary's Abbey, and he remembered the four orders of friars, five choristers, and a priest who was to celebrate for him the trental of St. Gregory. To his father, who was also a baron of the Exchequer, he left a legacy in order to obtain his blessing; on the chief justice of the King's Bench he imposed the obligation of looking after his family and rents; to the chief justice of the Common Bench he made restitution; and to the abbot of St. Mary's Abbey he entrusted the duty of supervising his will and acting as tutor of his children, which in the circumstances was a mark of no small confidence. Finally he left money for the prisoners in Dublin Castle, the lepers, and the poor of St. John-without-the-Walls, and of Rochel-street.<sup>1</sup>

<sup>1</sup> Christ Church Deeds, 327.

## CHAPTER II

### TUDORS

SOVEREIGNS—HENRY VII TO MARY.

YEARS—1485 TO 1558

THE Irish problem was never more acute than in the beginning of the reign of Henry the Seventh. It is generally recognized that English authority in Ireland reached then its lowest point, and it is a very prevalent notion that so shrunken and weak had the English colony become during the Wars of the Roses that for nearly a century after them people of English descent had no part in the life of Ireland outside the four counties, Dublin, Kildare, Meath, and Louth, that were comprised in the Pale. This supposition is only in a measure true. English influence remained predominant in such towns as were walled, in a miniature Pale of which Kilkenny was the centre, and in a settlement dating from Anglo-Norman times in Wexford County; and even in districts that were under Celtic dominion men of English descent, who had become *Hibernicis ipsis Hiberniores*, were to be found.

But in these cases life for English people was permissive—dependent for essentials on the toleration of another race or on the elements being propitious to sea-borne traffic. For persons who wished to enjoy English life freely, the Pale was the only area open in Ireland, and of English sovereignty in Ireland it was the be-all and end-all. Unfortunately for Henry the Seventh its inhabitants were antagonistic to his accession. As the son of Richard, Duke of York, who had spent some two years in the Pale as lieutenant in the reign of Henry the



Sixth and had become a sort of national hero, Richard the Third had been held by them in reverence, while the new sovereign was regarded "as an obscure Welsh adventurer, sprung from a doubly illegitimate stock."<sup>1</sup>

At the time of Henry the Seventh's accession the government of Ireland was vested in Richard the Third's nephew and heir, the Earl of Lincoln, as lieutenant, and in the head of an Irish house closely allied to the White Rose cause, the bearer of the title of Kildare, as deputy. The lieutenant was quickly superseded in favour of Henry the Seventh's uncle, the Duke of Bedford, but the deputy, with whom power rested, occupied what was at the moment an impregnable position. At first he saw no alternative to Henry the Seventh, and was disposed to come to terms with him, but no sooner did the pretended Earl of Warwick arise in the person of Lambert Simnel than he embraced his cause with ardour, and used his influence to secure him the allegiance of the official world of Dublin.

Foremost in accepting the pretensions of Lambert Simnel, on his arrival in Dublin in the spring of 1487, were the judges, who, without exception, followed the example of the Earl of Kildare. They were then nine in number, their rank and titles being thus officially given: (1) the chancellor, (2) the chief judge, (3) the chief justice of the common place, (4) the chief baron of the Exchequer, (5) the keeper of the rolls of chancery, (6) the second justice of the chief place, (7) the second justice of the common place, (8) the second baron of the Exchequer, and (9) a baron of the Exchequer.<sup>2</sup> As was indicated by their patronymics, Fitzgerald, Bermingham, Plunket, Fitzeustace, Dowdall, Barnewall, Duff, Archbold, and Burnell, all of them belonged to Anglo-Norman families then identified with the Pale, and all of them had been appointed while the crown was represented in Ireland by the existing or preceding

<sup>1</sup> Gilbert's *Viceroy's*, p. 422.

<sup>2</sup> *Pat. Rolls*, Hen. VII, i. 227.

Earl of Kildare, facts which might be surmised from the sheep-like manner in which they followed the ruling Geraldine in his disloyalty to Henry the Seventh.

They believed, no doubt, that the power of the Earl of Kildare was enduring, and in the result they had every reason to think that they were not mistaken in their calculation. After the defeat of the Simnel forces at Stoke-upon-Trent, in the summer of 1487, a full pardon was extended to the earl and also to those associated with him, excepting in one instance,<sup>1</sup> and no attempt was made to deprive him or his followers of the offices held by them. Indeed, so far was this from being the case, that ardent supporters of Simnel were appointed to replace the chancellor, Sir Thomas Fitzgerald, a brother of the Earl of Kildare, who fell fighting for the pretender at Stoke, and the chief justice of the King's Bench, Philip Bermingham, "a man pre-eminently learned in the laws of his country,"<sup>2</sup> who died in Dublin a few years later.

As chancellor, Sir Thomas Fitzgerald was succeeded by Sir Roland Fitzeustace, Lord of Portlester, who had previously held that office and who stood to the Earl of Kildare in the relation of father-in-law. He was long as indispensable in Ireland as the head of the house of Kildare: for no less than thirty-eight years he held the office of treasurer, and together with it on three occasions, covering in all some nine years, the office of chancellor. So great was his power that he was able to obtain the office of chief baron for a son who seems to have been not only illegitimate, but deficient in power of speech or mind, as he was installed instead of being sworn, and had the right of acting by deputy conferred on him in his patent of appointment.<sup>3</sup>

<sup>1</sup> Harris's *Hibernica*, i. 69.

<sup>2</sup> Ware's *Annals*, p. 24.

<sup>3</sup> *Mem. Roll*, 22 Edw. IV, 14. The memory of Lord Portlester was preserved in two stately monuments, each bearing an effigy of him, one in St. Audoen's church in Dublin, and the other at New Abbey in co. Kildare. *Irish Memorials Assoc.*, v. 201; viii. 572.

In right of that provision, in 1487, Sir Roland Fitz-eustace, who represented his son always on such occasions, appointed the king's serjeant in Ireland, John Estrete, as deputy chief baron. Estrete is prominent as an intermediary between the Earl of Kildare and the king in that troubled period, and although devoted to the Kildare family, he managed to secure the confidence of Henry the Seventh. In 1485 he founded a chantry in the priory of the Holy Trinity, now the cathedral of Christ Church, in which mass was to be said for amongst others, "his benefactors, Gerald, Earl of Kildare, and Sir Roland Fitzeustace, knight, Lord of Portlester;" but in 1488 when the scope of the chantry was enlarged, it was provided that mass was to be said for his benefactor, Henry the Seventh, as well as for Kildare and Fitzeustace. According to the final design, to which Kildare and Fitzeustace were parties, it was stipulated that mass of the Holy Ghost was to be said on every day by a canon in the chapel of the Holy Ghost, between mass and high mass in the choir, that mass of the Holy Ghost was to be sung on Thursday by the entire convent and choir, and that a still evensong was to be said on Sunday and each holy day, propitiatorily. In addition the grantors of the endowment were to be treated, when dead, as founders, the obit of Estrete being kept yearly on the Thursday and Friday of Whitsun week.<sup>1</sup>

But the serenity disclosed in the foundation of the chantry was soon to be disturbed. In the winter of 1491 there appeared in Ireland another pretender in the person of Perkin Warbeck, assuming to be the younger of Richard the Third's victims in the Tower, and when the Earl of Kildare was suspected of lending aid to Warbeck's cause, personally and through others, Henry the Seventh felt himself in a position to take a stronger line than was prudent after the Simnel rebellion. His reliance appears to have been placed

<sup>1</sup> Christ Church Deeds, 349, 1091.

mainly on the archbishop of Dublin, Walter Fitzsimons, who had been a pillar of the Simnel cause, but who had been alienated from the Geraldine interest by attacks made on his temporalities by Sir Roland Fitzeustace in his capacity of treasurer. It is evident that Archbishop Fitzsimons was a remarkable man, distinguished by endowments of both mind and body—an instance, it has been remarked,<sup>1</sup> of the truth of Virgil's line,

*Gratior et pulchro veniens in corpore virtus,*

and his attainments were of the highest order, especially in philosophy and divinity, in which, according to Stanyhurst, he was "exquisitely learned."<sup>2</sup> In addition, the king put trust in a representative of the Butler family, Sir James Ormond, to whom he committed joint command of an army sent ostensibly to subdue the Kilkenny neighbourhood, but really to overawe the Earl of Kildare, and in Sir Thomas Plunket's son, Sir Alexander Plunket, who seems, like Archbishop Fitzsimons, to have been at one time in the Geraldine interest, but to have been from some cause or other also alienated from it. With one fell swoop on a July day in 1492, the king's wrath descended on the Geraldine government, and an order went forth that the Earl of Kildare was to make room for Archbishop Fitzsimons as deputy, and that Sir Roland Fitzeustace was to surrender the office of treasurer to Sir James Ormond and the office of chancellor to Sir Alexander Plunket. At the same time the chief baron, Sir Roland Fitzeustace's son, and the keeper of the rolls were also superseded in favour respectively of a henchman and kinsman of Sir James Ormond.

But an even more striking change took place two years later in the autumn of 1494, on the appointment of Sir Edward Poynings as deputy, as the occupants of

<sup>1</sup> Ware's Works, 1764, i. 344.

<sup>2</sup> Holinshed's Chronicles, ii. 41.



the chief judicial seats were then superseded in favour of men who, with one exception, had no previous connexion with Ireland. In the office of chancellor there appeared one of the greatest ecclesiastical statesmen of that age, Henry Deane, then prior of Llanthony and bishop-elect of Bangor, and afterwards archbishop of Canterbury; in the office of chief justice of the King's Bench, a Devonshire landowner with legal qualification, Thomas Bowring; in the office of chief justice of the Common Bench, a member of a Lincolnshire family, who is styled a proctor of law, John Topcliffe; and in the office of chief baron a former chancellor of the Irish exchequer, Walter Ivers. Besides, the office of second justice of the Common Bench had been filled a few months before under the great seal of England by a lawyer sent from that country. The extent of the change will be more clearly seen from the following synopsis, in which the partisans of the Earl of Kildare are marked with an asterisk:

1487

1494

Chancellor :

\*Roland Fitzeustace,  
ld. of Portlester.

Henry Deane, bishop.

Keeper of the Rolls :

\*Thomas Dowdall.

Thomas Butler.

Chief Justice and Second Justice of the King's Bench :

\*Philip Bermingham.

Thomas Bowring.

\*Barnaby Barnewall.

Chief Justice and Second Justice of the Common Bench :

\*Thomas Plunket.

John Topcliffe.

\*Henry Duff.

Nicholas Turner.

Chief Baron and Barons of the Exchequer :

\*Oliver Fitzeustace.

Walter Ivers.

\*Thomas Archbold.

Edward Golding.

\*Patrick Burnell.

Rule according to English ideas was, as generally, given but a short trial, and before two years had elapsed,



in the summer of 1496, a policy of conciliation was again adopted, and the Earl of Kildare was restored to the position of deputy, while Archbishop Fitzsimons became chancellor. They were both now no strangers at the English court, where according to an ancient chronicler, they were permitted extraordinary liberty,<sup>1</sup> and they were probably there at the time of their appointment. Two months later there began extensive changes in the judiciary, made under the Irish great seal, but arranged probably at the English court. The chief justiceship of the King's Bench was exchanged by Thomas Bowring for that of the Common Bench, and John Topcliffe succeeded him in the former seat; the office of chief baron was given to the king's attorney, Walter St. Lawrence, a brother of the Lord Howth who was chancellor in the reign of Edward the Fourth, and the office of master of the rolls to the bishop of Meath, John Payne. Bishop Payne, who had then held the see of Meath for fifteen years, had been so strong a Simnelite as to undertake to preach the sermon at the coronation of the "poor innocent," but he was foremost in recanting his error, and became, like others, subsequently alienated from the Earl of Kildare. He was also now no stranger at the English court, and on one occasion when the Earl of Kildare and he met in the royal presence they had wordy warfare, during which the earl did not scruple to accuse the bishop, who was a regular of the Dominican order, of immorality.<sup>2</sup>

But it is probable that the Earl of Kildare's power was more responsible than the king's wish for an appointment made under the Irish great seal eighteen months later. Finding himself unable to accommodate himself to Irish ideas, Chief Justice Bowring returned to England and the chief seat in the Common Bench became vacant. In it Chief Justice Topcliffe had suc-

<sup>1</sup> Holinshed's Chronicles, ii. 41.

<sup>2</sup> Book of Howth, p. 180.

ceeded Thomas Plunket, whose appointment in the reign of Edward the Fourth has been mentioned, and he saw it now restored to his predecessor, although the latter had been dismissed for disloyalty of an exceptionally flagrant kind. In the Simnel rebellion Plunket had been known as a principal, alike in instigation and action, being only accorded a place amongst the pardoned by strong intercession at the eleventh hour,<sup>1</sup> and in the Warbeck rebellion he had played such a part as subjected him not only to loss of office, but also to the confiscation of his plate, which was of great value, including as it did a high cup with a griffin's egg on the cover, a group of twelve pieces, a double bowl, gilt salts, and cocoa-nut and mazer cups.<sup>2</sup> But in Geraldine eyes disloyalty was only a phase, and after his restoration to the Bench, Chief Justice Plunket continued to hold his seat, until in 1514, old age obliged him to vacate it, and flourished exceedingly, judging by his ownership of Dunsoghly Castle, the greatest mediæval stronghold now remaining near Dublin.

Three years after the Earl of Kildare's restoration to power a unique instance of judicial heredity began in the case of the family of Dillon, identified then with a territory known as Dillon's country near Athlone, and regarded often as essentially Irish although of Anglo-Norman origin. The first of this house to ascend the bench was James Dillon, who became, in 1499, puisne baron of the Exchequer. His death took place within eight years, but for the next hundred years one or more of his descendants were almost continuously in legal office. His eldest son served as a judge some seventeen years, becoming chief justice of the King's Bench; a younger son served twenty years as the king's attorney and twenty-six years as a judge, becoming chief justice of the Common Bench; a grandson served for twenty-

<sup>1</sup> Harris's *Hibernica*, i. 69.

<sup>2</sup> Lets. and Paps., Ric. III and Hen. VII, ii. 301.

two years as chief baron; a second grandson served for some seventeen years as a judge, succeeding his uncle as chief justice of the Common Bench; and a third grandson served for some years as a justice of the King's Bench. In addition, two kinsmen were justices respectively of the Common Bench and King's Bench, making in all eight judicial personages in one family in the course of a single century.

Both James Dillon and his son, Sir Bartholomew Dillon, who succeeded him as baron of the Exchequer, owed no doubt their promotion to the judicial bench to the Earl of Kildare, who was given later on, by patent, the right of appointing to all judicial offices except the chancellorship and the chief justiceship of the King's Bench.<sup>1</sup> When Henry the Eighth ascended the throne the latter office was still held by the English appointed and born, John Topcliffe. He seems to have kept up a connexion with the land of his birth by occasional visits: probably it was on one of these visits that, in 1504, he received from Henry the Seventh a fresh patent of appointment under the English great seal followed by an order for payment of arrears of part of his salary, and on another visit that, in 1511, he received from Henry the Eighth a similar patent and a grant of forty pounds.<sup>2</sup> A letter addressed by him to the latter sovereign is the only example of the epistolary talent of the judges of that period, and tends to indicate that in his case, at least, piety and simplicity were more striking characteristics than strength and ability:

After all due & most humble recomendacion unto yo<sup>r</sup> hehnes please hit the same understond that ther is in yo<sup>r</sup> town of Wesford within yo<sup>r</sup> lond of Irlond an abbey of reguler chanones wich have had free eleccion of a prior from tyme to tyme sith the first foundation. Hit is so now

<sup>1</sup> Lets. and Paps., Hen. VIII, i. 632 (22).

<sup>2</sup> Pat. Rolls, Hen. VII, ii. 354; Mem. Roll, 20 Hen. VII, 10; Lets and Paps., Hen. VIII, i. 731 (19); ii. p. 1450.

graciuse sovereygn that a seculer prest in seculer abett hath by provision putt owtt of the same abbey a gode blysed relegius fader and prior chosyn by the coventt by maintenance and faver of them at have the admynistracion of Justice within the liberte of Wesford and all the churchys within that counte & shyre except only the churches within the town be distrued by provision and if this be supported & meyntened and not now resisted all godes service within shortt tyme will be distrued for provision hath nott be suffered in that towne afor this tyme and if provision be suffered within yo<sup>r</sup> Cites and waled townes the service of god may nott conntenu long as knaweth Jesu who ever preserue yo<sup>r</sup> most excellent heighnes to his plesur and yo<sup>r</sup> honor. Wretyn at Develyn the xx day of Februar.

Yo<sup>r</sup> most humble & bunden subject

& servant John Topelyff

yo<sup>r</sup> Juge in Irlond.

[Addressed]: To the Kyng our sovereygn lord.<sup>1</sup>

So far as the state records show, the office of chancellor was held continuously by Archbishop Fitzsimons from his appointment in 1496 to his death in 1511, but according to the lists of the chancellors of Ireland<sup>2</sup> he was dispossessed of the office from 1498 to 1501 in favour of a clerical canonist from England, William Rokeby, who was destined to become his successor both as archbishop of Dublin and chancellor, and in 1507 by the reigning Lord Howth, son of the peer of that family who held the chancellorship in the closing year of Edward the Fourth's reign. In the case of Lord Howth it seems not improbable that the office of chancellor of Ireland has been confounded with that of chancellor of the Irish exchequer, for which a patent was issued in 1509 to him,<sup>3</sup> but in the case of William Rokeby, no explanation can be suggested for the inclusion of his

<sup>1</sup> State Papers, Ireland, Hen. VIII, vol. i, no. 71, in Pub. Rec. Off. The letter has been printed in Hore's Wexford, v. 134, but is attributed there to a wrong period.

<sup>2</sup> Ware's Works, 1764, ii. 109.

<sup>3</sup> Mem. Roll, 1 Hen. VIII, 2.



name as chancellor at that period. He was, no doubt, better qualified to fill the office than many who did so, but from his preferments in England it seems unlikely that he left that country for any lengthened period until he came to Ireland in 1507 as bishop of Meath. From that see he was translated to Dublin two months after the death of Archbishop Fitzsimons, and he was given the office of chancellor two months later. But in the chancellorship he was not long left undisturbed, for in the autumn of the following year Henry the Eighth's eye chanced to light upon it when he was seeking offices to confer on the friend of his youth, Sir William Compton, on account of Compton's gallantry at the battle of Tournay, and with juvenile irresponsibility he threw it in as a make-weight, adding with kind consideration a provision that the duties might be performed by deputy.

After a lapse of two years, Archbishop Rokeby appears in England helping to invest Wolsey with his cardinal's hat and to christen the future Queen Mary, and before he returned to Ireland the place of chancellor was restored to him by the king, who was probably convinced by Wolsey of the impropriety of high legal office being held by Compton, a man now known only for talent in retaining the royal favour and in acquiring wealth.<sup>1</sup>

For more than twenty years the domination of the Earl of Kildare continued unchecked, but by degrees it aroused opposition, even from those of his own house, and the king resolved to make an effort to break it. With that object he sent over to Ireland in the spring of 1520 as lieutenant, the eldest son of the Duke of Norfolk, the Earl of Surrey. As the new chief governor found on his arrival that his government was likely to be much impeded by "the sedicious practises, conspiracies, and subtill driftes of thErle of Kildare, his

<sup>1</sup> Dict. Nat. Biog., xi. 453.



servauntes, ayders, and assisters,"<sup>1</sup> he must have been seriously concerned as to the attitude of the judiciary, appointed as it was, excepting in the cases of the chancellor and the chief justice of the King's Bench, by the Earl of Kildare. But it proved to be by no means an inflexible Geraldine phalanx, and owing to some convenient vacancies it became possible to strengthen the leaven. By a comparison of the personnel of the judicial bench at the time of the Earl of Surrey's assumption of office, and on the retirement of a deputy nominated by him, the changes will be easily seen :

1520

1524

Chancellor :

William Rokeby,  
abp. of Dublin.Hugh Inge,  
apb. of Dublin.

Keeper of the Rolls :

Thomas Rochfort,  
dn. of St. Patk.'s Cath.John Ricard,  
dn. of St. Patk.'s Cath.

Chief and Second Justice of the King's Bench :

Patrick Bermingham.

Patrick Bermingham.

John Barnewall, ld. of  
Trimleston.

Sir Bartholomew Dillon.

Chief and Second Justice of the Common Bench :

Richard Delahide.

Richard Delahide.

Patrick Finglas.

Thomas Netterville.

Chief and Second Baron of the Exchequer :

Richard Golding.

Patrick Finglas.

Nicholas Fitzsimons.

Patrick White.

The change in the office of keeper of the rolls meant the substitution of a man of English for one of Irish birth, but the change in the second justiceship of the King's Bench was due to no distrust of the holder, and was for the purpose of placing him in the executive office of acting treasurer, which was then held by his successor on the bench.

From Chief Justice Bermingham and Chief Baron Finglas, who were given seats on the Irish council, the

<sup>1</sup> S.P., Hen. VIII, ii, 33.

Earl of Surrey received most valuable assistance. They were hardly the men whom one would expect to desert readily a leader of Irish birth. The family of Bermingham, ennobled under the titles of Athenry and Louth, traces its descent from one of Strongbow's followers, and the family of Finglas, which derives its name from a village a few miles to the north of Dublin, must have descended from equally early, or even from Scandinavian settlers. How far their co-operation may have been prompted by the hope of favours to come, in which they were not disappointed, cannot now be determined, but its thoroughness is placed beyond doubt by a letter which the Earl of Surrey wrote to Wolsey in 1520, seven months after his arrival in Ireland, when sending Chief Baron Finglas to England with a message to the king :

Pleas it youre grace to understand I have sent to the kinges highnes at this tyme this berer whom I haue made chief baron of the kinges eschequier here, with certain articles devised by me and the kinges Counsayll here to passe in the next parliament to bee holdyn in this land, which said baron and the chief Justice of the kinges benche here bee the best wyllled and moost deligent to doo the kinges grace true and feithful service of all the lerned men of this land. And yf it pleas youre grace to examyn the said baron of the estate of this land and the disposicion of the inhabytauntes of the same, I doubt not his demeanure shall prove hym both discrete and true. Beseching youre grace to geve credence unto him And also to bee good and gracious lord to hym Soo that by mean of your grace he may atteyne a patent under the great Seall of England upon his office in like maner as the chief Justice of the Kinges benche here hath, which shalbe more proffyttable to the King then to him. And thus the blessed Trynyte haue your grace in his moost blissed tucyon. Writtin at Dublyn the xvijth day of Decembeer.

Yours most bownden

[signed] T. SURREY.

[Addressed :] To my lord Legatis good graee.<sup>1</sup>

<sup>1</sup> State Papers, Ireland, Hen. VIII, vol. i, no. 20, in Pub. Rec. Off.

During the months following the arrival of the Earl of Surrey in 1520, Archbishop Rokeby was in his capacity of chancellor not inactive, travelling to Munster twice, first as head of a mission and afterwards in attendance on the lieutenant, but in the following year he went to England probably for reasons of health, and while there, in the late autumn, he died. According to a chronicler of his family he had "the wild Irish at his beck and commandment."<sup>1</sup> His influence with them is attributed by this writer to his great hospitality, but it may possibly have been due in some degree to his magnificence, which was evidenced in architectural achievements in England and Ireland. His successor, as well ecclesiastically as judicially, Hugh Inge, whose patent as chancellor was issued early in 1522, differed from him in being a native of the south instead of the north of England, and in having spent early years abroad, but in Ireland he rose by the same step, the see of Meath, to the archbishopric and the chancellorship. His reign lasted but little more than six years, as he succumbed in the summer of 1528 to the sweating sickness in Dublin, where it was then raging.

During Archbishop Inge's time, the government became chaotic owing to rivalry between the head of the house of Butler, Sir Piers Butler, afterwards Earl of Ormond, and the Earl of Kildare. It had been hoped that Butler as deputy would have been able to carry on the Earl of Surrey's policy, but by various stratagems Kildare made his position impossible and secured two years later, in the summer of 1524, the office of deputy once more for himself. Butler was not without power to retaliate, and as a result of his representations Kildare was after a few years summoned to England to render account to the king. The state to which the country was reduced in 1528 under Kildare's deputy, Lord Delvin, is graphically described in a letter written in May

<sup>1</sup> Brit. Mus., Add. MSS., 24470.

of that year by Archbishop Inge and Chief Justice Ber-  
 mingham to their friend the Earl of Surrey, then Duke  
 of Norfolk :

Your Grace, we doubt not, dothe remembre howe  
 often tymes we have made supplication to our Sovereine  
 Lorde, and his honorable Conseill, for som good defensour  
 of this His Graces poor londe, ever fering that som mysfortune  
 mought chanse, the Baron of Delvyn havynge the governance  
 of the same, whome we ever conseilled rather to suffer  
 for a tyme, than to gif occasion of warr to any Hirishmen,  
 specially suche as be invironed about us, and namely to  
 OChonour; for betwixt them hathe been contynuall  
 contention, sith thErll of Kildaires departing from hens,  
 for divers robberies made on Englishemen, and conveyd to  
 his contrey; for which the Vice Deputie hathe stopped such  
 waiges or tribute that OChonours have had in tymes passed.  
 For which causis, the 12th daie of this present moneth, they  
 appointed a parliament<sup>1</sup> nighe OChonours contrey, by a  
 castle of Sir William Darces, called Rathyn; wheir the  
 said Vicedeputie was (by trayn) taken, all his footmen  
 slayn, divers of his horsmen sore wonded and som taken . . .  
 What danger or perill shall insue we can nat expres nowe.  
 Intirely beseching your Grace to help som remedie may be pro-  
 vided fro Englonde; for undoubted ther is no man here now  
 being, that can or may defend this londe, as well for lacke  
 of power, as substance. The Kinges revenues be brought  
 to such exilitie, that they suffice nat to ordinarie charges,  
 being no subsidye; which can nat be graunt, but by Parlia-  
 ment, as your grace knowith. Almighty God grante that  
 our Sovereigne Lorde may provide breve remedye; or  
 elles this poor Englishrie is lyke to have such ruyne, that  
 will nat be repaired in any mans daies lyving; for the  
 Hirishemen (being never so strong as nowe) have spied their  
 tyme, and our debilitie never more then at this houre. The  
 Holy Trinitie defend us, for here is none othir hope of  
 socoure. . . .<sup>2</sup>

Archbishop Inge, who died soon after this letter was  
 written, has been represented as sympathizing with the

<sup>1</sup> i.e. a parley.

<sup>2</sup> S.P., Hen. VIII, ii. 129.

Earl of Kildare, but in this letter, and in others, he and Chief Justice Bermingham display nothing of the partisan and appear as men of high integrity, actuated by a desire to bring peace to a distracted land ; indeed, so little were they under the Geraldine thralldom then that they recommended as a puisne judge one not acceptable to the earl.<sup>1</sup>

At the close of the year 1528, when the office of deputy was once more filled by Sir Piers Butler, then Earl of Ossory, there was sent over to Ireland in the room of Archbishop Inge, through Wolsey's influence, a pronounced anti-Geraldine, John Alen, who is remembered in Ireland owing to his talent as an archivist and his violent death. Alen, who was a native of the east of England, had begun life under the archbishop of Canterbury, William Warham, who was also then chancellor of England. Through him he received a shower of benefices, and by him he had been sent to Rome, where he had obtained the degree of a doctor of laws, as well as an Italian archdeaconry. On his return to England, having qualified by enrolment as a member of the Civilians' College, he had become Wolsey's commissary, and in the dissolution of the smaller monasteries Wolsey had found, as his enemies asserted, an unscrupulous ally :

A fellow neither wise nor sad,  
But he was never yet full mad,  
Though he be frantic and more ;  
Doctor Alen he is named,  
One that to lie is not ashamed  
If he spy advantage therefor.<sup>2</sup>

By way of strengthening further the anti-Geraldine movement the office of deputy was, in the summer of 1529, committed to Sir William Skeffington, an English soldier, well advanced in life, who was known as " the

<sup>1</sup> Lets. and Paps., Hen. VIII, iv, 4302.

<sup>2</sup> Harleian Miscellany, ix. 31.



gunner" from his holding the mastership of the ordnance, but he failed to make headway, and within two years he had the humiliating experience of surrendering the deputyship to the Earl of Kildare. At that time the judicial bench was sharply divided. Chief Baron Finglas and Baron White in the Exchequer adhered to the anti-Geraldine opinions that had gained them their seats on the bench, while Chief Justice Delahide in the Common Bench and Justice Dillon in the King's Bench were avowed followers of the Earl of Kildare. To the utter neglect of his judicial duties, Dillon had spent in 1526, when the earl was deputy, a lengthened period in London watching the earl's interests, and both he and Delahide lost no opportunity, when the earl was out of office, of pressing the conclusion that Ireland could be governed by nobody but him. Support was also given to the Geraldine cause by Chief Justice Bermingham, who went to England at the close of Skeffington's term of office and gave evidence on oath before the English council against him.

About that time, not improbably for Skeffington's guidance, Chief Baron Finglas evolved a disquisition on the Anglo-Norman settlement in Ireland, and the circumstances that had contributed to the decay of English influence, with recommendations as to the course to be pursued to make a reformation. Of England's ability to recover authority he had no doubt: "In all my days I never heard that a hundred footmen or horsemen of Irish would abide to fight with so many English." Whether the reformation was to be general or partial, he advised that attention should be fixed upon the district then known as Leinster, and now comprised in the counties of Carlow, Wicklow, and Wexford. Its inhabitants, the Kavanaghs, the Byrnes, and the Tooles, were then much weaker than they had been some time previously, and its boundaries, parts of the counties of Kildare and Kilkenny, and the sea, isolated

it from the rest of disaffected Ireland. As regards the means, the chief baron placed his reliance upon the planting of the district by "English lords and gentlemen," and the vesting of strongholds in "English captains." He boldly advocated the suppression of religious houses, "which are a greater succour to the rebels than to the king's subjects," and the transference of castles from weak hands that held them. In conclusion he advised that the lands should be inhabited by "some sorts of the Irishry," as it might be dangerous "to depeople the realm of England," and expressed the opinion that "there be no better labourers than the poor commons of Ireland, nor sooner will be brought to good frame, if they be kept under a law."<sup>1</sup>

The Earl of Kildare was not long again in office, which he resumed in the summer of 1532, before he found that he could not count on the support that he had received from England in years gone by, or on the submission of the men of the Pale to his will. In regard to the judicial bench he was peculiarly unfortunate. From the place of chancellor he had insisted on the removal of Archbishop Alen, but the archbishop of Armagh, George Cromer, who was substituted, proved to have a mind of his own. His independence was due to good breeding, as a son of the lord of the manor of Tunstall in Essex, and a descendant in a female line of Lord Saye and Sele, and also to his natural liberality of thought which resulted in his being accused by Henry the Eighth of disloyalty and by the Pope of heresy. The place of chief justice of the King's Bench, which had become vacant by the death of Chief Justice Bermingham, soon after his testimony to Skeffington's shortcomings, was given through the Earl's influence to Sir Bartholomew Dillon, but in little more than six months it became vacant again by Dillon's premature death, and lay vacant for the greater part of a

<sup>1</sup> Carew MSS., i. 1-6.

year, owing to disagreement as to a successor. In regard to puisnes the earl was no more fortunate: a follower of his own, Gerald Aylmer, who had been appointed by his influence as justice of the Common Bench, became a formidable adversary, and as successor to Dillon in the justiceship of the King's Bench the earl himself appointed, for reasons which are not disclosed, Christopher Delahide who, though a relation of the chief justice of that name, held anti-Geraldine opinions.

There was now to ensue events of salient importance in the history of Ireland, the dethronement of the Earl of Kildare, in which the rebellion of his son was an episode, and the enactment in the Irish parliament of the principles of the Reformation. In both, persons who come within the purview of these pages bore no small part. The dethronement of the Earl of Kildare cannot but have been largely the result of a representation from Ireland, which was presented in the autumn of 1533 to the king. It was a document no less trenebant than present, calculated to arrest attention, setting forth in one catalogue the evils which had been brought upon the country by the government of the Irish deputy, and in another catalogue the remedies which would be rendered possible by the government of an English deputy. Its authors were members of the Irish council, no less than five of them persons who come within the purview of these pages, namely, George, archbishop of Armagh, then chancellor, John Barnewall, Lord of Trimleston, formerly puisne justice of the King's Bench and soon afterwards chancellor, Patrick Finglas, then chief baron, Christopher Delahide, then puisne justice of the King's Bench, and Patrick White, then puisne baron of the Exchequer.<sup>1</sup>

In addition, the envoys, to whom the presentation of this representation was entrusted, John Alen, then master of the rolls, and Gerald Aylmer, then puisne

<sup>1</sup> S.P., Hen. VIII, ii. 162.

justice of the Common Bench, were also judicial personages. They displayed as envoys ability which led eventually to their promotion to the highest places in the law, as respectively chancellor and chief justice of the King's Bench, and when the followers of Silken Thomas were devastating the Pale, these two judicial persons were foremost, although "no men of war,"<sup>1</sup> in taking command in the army which saved the situation. Again when the principles of the Reformation came to be enacted, it was a future chancellor, Thomas Cusake, who was the agent to carry through the measure, and it was John Alen who was the chief commissioner to secure its acceptance.

In this revolutionary period several of the judicial persons who have been mentioned disappeared from the scene. Lord Trimleston became, immediately after Silken Thomas's rebellion, in the summer of 1534, chancellor in room of Archbishop Cromer, but within four years he was removed by death. As the son of a poor peer he had adopted the legal profession for profit and was fully qualified: he appears thirty years before as a pleader at the bar, whence he advanced by the grades of king's attorney and of king's solicitor and serjeant to the bench. By his detractors he was said to be a Geraldine in his sympathies, and to have shown timidity during Silken Thomas's rebellion, but he satisfied the king, who summoned him more than once to England, and he was said by the deputy of his time to be wise in counsel.<sup>2</sup> Shortly before the rebellion, in the spring of 1534, Chief Baron Finglas was promoted to be chief justice of the King's Bench, but in even a shorter time than Lord Trimleston he vacated the seat by death. After the rebellion, in which some of his relations were implicated, Chief Justice Delahide was removed from the bench, but three years later he was

<sup>1</sup> S.P., Hen. VIII, ii. 488.

<sup>2</sup> Lets. and Paps., Hen. VIII, viii. 755; xii. i. 1066; xiii. ii. 40.



restored to it as chief baron, a position which he held until his death early in 1540. Amongst some letters addressed by him to Thomas Cromwell, the following one, which was written in 1534, is interesting as showing the relations then between an Irish judge and the chief minister of the crown. It concerned the office of chancellor of the exchequer which had been given by the lord deputy to Delahide and by the king on Cromwell's recommendation to Thomas Cusake :

Pleas it yo<sup>r</sup> honorable mastership to be advertised that I understand by my singuler good master & friend our soveraigne lord the Kinges attorney your mastership have had Enformacion that I shold at dyverse tymes have spokyne unsemely words by youe. In good faithe I never spake ne thocht to speke anny suche wordes ne anny semblable wordes whiche myght redounde to yo<sup>r</sup> reproiche ne never had matter ne Occasion to move me ther unto For I never herde anny other speke Ewill of youe In so mouche as I had bene to presumptuous & folishe to have bene the furst Inventor of anny sklaunderous woordes by one of suche reputacion as ye are of & in anny wise to have notid youe wordy ewill oppynion, I knowe it well ye be of our soveraigne lordes moost honorable privey Counsail and in as highe faivours with his grace as anny mane, so as I myght be reputed moost symple & undiscrete to Exsteme youe so accepted by his highnes to be unworthy of the same, trusting in god that suche malycious & untrewre surmyses shall never be proved unto the whiche tyme I humbly beseiche yo<sup>r</sup> good mastership to be my good master & to beare unto me yo<sup>r</sup> reasonable faivours, for the whiche yo<sup>r</sup> goodnes my pore hert & service shall never fayle to be at yo<sup>r</sup> mastership is comaundment. And as touching Cusake is office in theschekor here which befor I had trewly he never pupplished the Kinges graunt ther on ne yet shewid yo<sup>r</sup> letter directed to me in that behalf during his abode here like as befor this I wrote to yo<sup>r</sup> mastership. And yef he had in good faithe knowing yo<sup>r</sup> pleasur I wold have bene contented that he shold have enjoyed the same accordingly thoughe it had bene rightfully myn awn. For I am well assurid yo<sup>r</sup> good faivours may be more avaylable unto me



then the profite of that office. The comene brute here is that ther is labours made ther for myn office of Justishippe wher in I have trewly to the best of my litill power served the Kinges grace by the space of xx<sup>ti</sup> yeres trusting that ther shalbe no good cause provid why his grace shold admove me frome the same, as knowith almyghty god, whoo have yo<sup>r</sup> honorable mastership in his moost tender tuycion. I have no tokyne convenient to send unto yo<sup>r</sup> mastership at the departing of this berrer. Howe be it I will w<sup>t</sup> goddes grace send you a goshauke with the first that goithe thether aftre this next Mydsomer. Scribled in haste at the Kinges Cite of Dulyng the xxvijth of Aprile with the hand of yo<sup>r</sup> awn assured to his pore power

[signed] RICHARD DELAHIDE.

[Addressed]: To the right honorable

Master Crumwell, Counsaylor to our soveraigne

Lorde the Kinges mooste noble grace.<sup>1</sup>

During the twenty years from 1538 to 1558, when the office of lord deputy was invariably committed to men of English birth, the outstanding judicial figures in Ireland were John Alen, Gerald Aylmer, and Thomas Cusake, men of affairs as well as lawyers, who had capacity to impress their individualities on English statesmen, and whose merit was marked by the accolade. In their cases, as indeed in the cases of all their judicial contemporaries, the religious upheavals of the period were surmounted without difficulty. As servants of the crown it fell to their lot to support the declaration of Henry the Eighth's supremacy, and the dissolution of the religious houses, by which it may be observed they benefited greatly, to conform to the changes in the liturgy prescribed in the reign of Edward the Sixth, to express no disapproval of, if not to accept, the restoration of the mass under Mary, and to give satisfactory proof of their Protestantism on the accession of Elizabeth. It is impossible to arrive at any satisfactory conclusion as to their private convictions,

<sup>1</sup> State Papers, Ireland, Hen. VIII, vol. ii, no. 9, in Pub. Rec. Off.

whether they leant more to the Protestant or to the Roman Catholic faith. During the reign of Mary, Alen, who was an Englishman, resided according to his own account in England owing to the odium that he had incurred in disposing of the property of Irish religious houses, but he appears from state records to have been regarded by Mary as a member of her Irish council.<sup>1</sup> Sir Gerald Aylmer, who was an Irishman, remained in Ireland, and was in the conspicuous position of chief justice of the King's Bench, and Sir Thomas Cusake, who was also an Irishman, remained like Aylmer in Ireland and filled for the first half of Mary's reign the even more conspicuous position of chancellor, his removal from which was probably not on the ground of his religion, but in order to increase the emoluments of his successor. After Elizabeth's accession both Alen and Cusake appear as wholehearted in their devotion to the Protestant interest and Aylmer also in a less degree, but in their last religious attitude they were not generally followed by their descendants in the seventeenth century.

Sir John Alen was of the same Norfolk stock as Archbishop Alen, to whom he stood in the relation of first cousin, and went to Ireland in the capacity of the archbishop's secretary, from which he was advanced to be clerk of the council. He had qualified in legal knowledge in Gray's Inn, and was commissioned by Wolsey to speed his legatine authority in Ireland. In furthering the cardinal's interest Alen found his cousin, who became somewhat emancipated from Wolsey's influence in Ireland, difficult, and disposed to stand on technical points.<sup>2</sup> After the archbishop's retirement from the chancellorship, Alen took an independent line and returned to London, where he succeeded in obtaining for himself the office of master of the rolls in Ireland,

<sup>1</sup> S.P., Ire., i. 151 ; Carew MSS., i. 252.

<sup>2</sup> Lets. and Paps., Hen. VIII, iv. 5625.

to which was soon added that of chancery of the Irish exchequer, an office which he enjoyed until his death. At the time of Silken Thomas's rebellion, when the archbishop was, in the words of Anthony Wood, "brained like an ox,"<sup>1</sup> Alen, who was in London, was regarded by English statesmen as a sheet-anchor in respect of Ireland, and as in the next few years he did not allow that estimate of himself to diminish, he was naturally promoted to the chancery in 1538, on the death of Lord Trimleston. In that office he continued for eight years, when, in consequence of dissension with the lord deputy, Sir Anthony St. Leger, he was summoned to London and there accused of being a subverter of deputies and a great taker of bribes. Although he claimed to be "the clearest-handed chancery in matters of justice that was in Ireland within remembrance of man,"<sup>2</sup> the charges were found by the English council to be proved, and he was deprived of the chancery. After the accession of Edward the Sixth, in 1548, he was restored to it, but on the return of Sir Anthony St. Leger as lord deputy two years later, he was superseded, being assured, however, that the king remained his "good and gracious lord."<sup>3</sup> His character was not a conciliatory one and was not free from craft, but his value as an "earnest and painful man" was admitted even by those who could not be numbered amongst his friends.<sup>4</sup>

Sir Gerald Aylmer, who belonged to one of the most ancient families of the Pale, was closely allied as has been mentioned to the Earl of Kildare, when appointed in 1528 justice of the Common Bench, and was described by an anti-Geraldine as the earl's menial servant.<sup>5</sup> Whatever his relations with the earl may have been, he did

<sup>1</sup> Wood's Ath. Oxon., i. 77.

<sup>2</sup> Lets. and Paps., Hen. VIII, xxi. 918.

<sup>3</sup> MSS. of Marquis of Salisbury, i. 89.

<sup>4</sup> Ibid., p. 90.

<sup>5</sup> Lets. and Paps., Hen. VIII, iv. 4799.

not long consider them binding, and became seven years later one of his accusers before the English council. His promotion judicially was the sequence: in 1534 he became chief baron, and in 1537 chief justice of the King's Bench. At first he was far more prominent in military operations than on the bench, and displayed such valour in one affray as led to his being knighted on the field. Earlier in the same year, 1539, he had ridden with the archbishop of Dublin and others through Leinster "to set forth the gospel and the supremacy, pluck down idols, and extinguish idolatry and the bishop of Rome's power, and also to pay first-fruits, twentieths, and other revenues, and hold sessions in the four shires above the Barrow." At Waterford on their arrival, which was on a Saturday, they were well entertained by the mayor and his brethren, on Sunday the archbishop preached, and on Monday Aylmer, as chief justice, sentenced four felons to be hanged, as well as a friar who was found guilty of theft and was ordered to be hanged in his habit.<sup>1</sup> After the accession of Elizabeth it was proposed to remove Aylmer on the ground of his extreme age, but before action was taken his death occurred.

Sir Thomas Cusake, who, as these pages have shown, was of Anglo-Norman descent, appears as a member of the Inner Temple in London with command of money, which secured for him at an early age, in 1533, the place of chancellor of the Irish exchequer, and in 1535, that of justice of the Common Bench. He made such an impression on Thomas Cromwell that he was soon recalled to London and entrusted with the responsibility of carrying through the Reformation legislation in Ireland. For that purpose he resigned both his offices, and entered probably the Irish house of commons, where he appears in 1541 in the speaker's chair. In 1542 he became master of the rolls, whence he was

<sup>1</sup> Lots. and Paps., Hen. VIII, xiv. i. 88.



promoted in 1550 to the place of chancellor. Like Alen and Aylmer, he shared in military operations, but his talent was as a diplomatist, which made him invaluable in negotiations with Irish chiefs, and as an administrator. In the latter capacity he was employed in Munster for a prolonged period by Elizabeth, and he continued to serve her on the Irish council until his death, which did not occur until she had been on the throne more than twelve years.<sup>1</sup> He was pronounced by Henry the Eighth "a man of wit, service, and good activity and affection to travail in the affairs of the crown for the benefit of the land,"<sup>2</sup> and throughout his life he did nothing to disentitle him to this apt encomium.

While Sir John Alen was in discredit from 1546 to 1548, the chancellorship was held by a learned English civilian, Sir Richard Rede, who had been previously a master of the English chancery, and who became subsequently in England master of requests. For twenty years from 1534 to 1554 the office of chief justice of the Common Bench was held by a brother-in-law of Sir Gerald Aylmer, Sir Thomas Luttrell, a great gentleman of the Pale as head of the Irish Luttrells and owner of Luttrellstown, as well as an eminent lawyer; and for thirty years from 1540 to 1570 the office of chief baron was held by James Bathe, who became a wealthy landowner, seated at Drumcondra near Dublin. An ancestor of the Duke of Wellington, Robert Cowley, held from 1539 to 1542 the office of master of the rolls. Amongst the puisnes there appear Thomas St. Lawrence, who comes into view at Artaine near Dublin, sheltering Archbishop Alen at the time of his murder in Silken Thomas's rebellion,<sup>3</sup> and disappears from view at Kilkenny while engaged in bitter religious controversy

<sup>1</sup> At Trevet in co. Meath his greatness is recalled by the remains of a noble tomb to his memory. *Irish Memorials Assoc.*, iii. 119; x. 130.

<sup>2</sup> S.P., Hen. VIII, iii. 334.

<sup>3</sup> Morrin's Pat. and Close Rolls, i. 2.



with “ bilious Balc ” at the time of Edward the Sixth’s death,<sup>1</sup> and Sir Patrick White, who achieved, like his predecessor Sir Robert Dowdall, the feat of occupying a seat on the bench for forty years.

To emphasize the stability of the personnel of the bench during the upheavals in that period, and to show the tolerance extended by Mary to those who had benefited by a protestant policy, it may not be supererogatory to conclude this chapter with a comparison of the constitution of the bench in the middle of the reign of Edward the Sixth, and in the middle of the reign of Mary. From the synopsis, in which those who are known to have held monastic lands are marked with an asterisk, it will be seen that many of the judges had benefited by the dissolution of the religious houses, and that Mary not only continued them, but also added to their number in one instance when filling vacancies which were caused by death.

1550 Sept.

1555 June

Chancellor :

\*Sir Thomas Cusake.

\*Sir Thomas Cusake.

Master of the Rolls :

\*Sir Patrick Barnewall.

\*John Parker, appointed by Edward.

Chief and Second Justice of the King’s Bench :

\*Sir Gerald Aylmer.

\*Sir Gerald Aylmer.

Thomas St. Lawrence.

\*Robert Dillon, appointed by Mary.

Chief and Second Justice of the Common Bench :

\*Thomas Luttrell.

John Bathe, appointed by Mary.

Walter Kerdiffe.

Walter Kerdiffe.

Chief and Second Baron of the Exchequer :

\*James Bathe.

\*James Bathe.

\*Sir Patrick White.

\*Sir Patrick White.

<sup>1</sup> Harleian Miscellany, vi. 437.

## CHAPTER III

### ELIZABETHANS

SOVEREIGN—ELIZABETH. YEARS—1558 TO 1603

THE judicial history of Elizabethan Ireland is dominated by the personality of Adam Loftus, his place in it being only comparable to that occupied in the social history of Jacobean Ireland by the great Earl of Cork. Such a statement is, however, calculated to create surprise. There is an idea more or less general that the reign of Elizabeth produced in Ireland a legal ecclesiastic of note, but there is no recognition of the fact that in Adam Loftus the power that made the Elizabethan era transplendent is mirrored. If he is judged only as a head of the church, or as a head of the law, or as a statesman, or as a man of learning, he may seem small beside the giants that stood near Elizabeth's throne, but if his eminence in all these spheres is considered, he must be admitted to have towered above everyone domiciled in Ireland during the sixteenth century, and to have been in ability the compeer of his contemporaries on the ecclesiastical and judicial benches of England.

His promotion in the church marked him as an exceptional man. About the time that he reached the canonical age, he was consecrated archbishop of Armagh,<sup>1</sup>

<sup>1</sup> Owing to the exact date of his birth being unknown, controversy arose just sixty years ago as to whether he had attained to the canonical age of thirty at the time of his consecration (*Dict. Nat. Biog.*, xxxiv. 73). According to Ware (*Works*, 1764, i. 94), his consecration took place in the beginning of March 1562-3, and according to a Funeral Entry in the office of arms at Dublin, he died in his seventy-second year on April 5, 1605. If these authorities be correct, he cannot have been thirty at the time of his consecration. By the editor of

and four years later he was translated to the archbishopric of Dublin, then a position of the first importance in regard to the government of Ireland. But his capacity is signalized in regard to his connexion with the law. In it he held the foremost place. At first he served tentatively on several occasions, for a period in all of some six years, as lord keeper of the great seal. Then such had his fitness proved to be that without a dissentient voice, he became chancellor. In that office for upwards of twenty-five years, until his death, he continued, and whether in favour or out of favour, no material attempt was ever made to disturb him in it, or to dispute his sufficiency to discharge the duties. Before that time the judicial functions of the chancellor had become onerous, and for fifty years Loftus's predecessors had been men qualified for the office by legal education, his immediate ones being laymen. But Loftus had to depend alone on natural talent: of legal education or training of any kind, he had none. His early ambition was to excel as a divine, and the study of theology, to which he began to devote himself when no more than a boy,<sup>1</sup> was likely to have hindered rather than to have furthered the efficient discharge of his judicial duties.

In a measure the cause of Loftus's gifts and importance being unacknowledged, indeed in some cases of their being disparaged and minimised, is attacks which have been made on him by persons hostile to his opinions, on the ground of his record in the church.<sup>2</sup> The ques-

Ware's Works a statement has been interpolated that he was only in his twenty-eighth year at the time of his consecration, but its accuracy seems very doubtful, for if accepted it would show him to have been given a benefice in England at the age of twenty. In Mason's History of St. Patrick's Cathedral (App., p. lvii) he is said to have died at the age of seventy-four.

<sup>1</sup> Cooper's *Ath. Cantab.*, ii. 403.

<sup>2</sup> See *The Irish Reformation*, by William M. Brady, D.D., pp. 41-6; *Life of James Ussher*, by Charles R. Elrington, D.D., p. 6.

tion at issue is whether he is to be judged by the standard of his own time or of to-day. In the eyes of Elizabeth and her advisers, nothing done by him deserved retribution—faults he had, but they were venial, faults of policy not of character—and to Whitgift and Burghley his past was an open book, revealing not only the events, but also the circumstances which attended them. Sprung from a family closely connected with the monastic orders, and cradled under a Yorkshire abbey,<sup>1</sup> Loftus is found in the reign of Edward the Sixth at Cambridge, where he had then every opportunity of imbibing the principles of the Reformation. Next he is mentioned under Mary as the recipient of ecclesiastical preferment in the gift of one of her episcopal favourites and of herself. Lastly, he appears in the reign of Elizabeth, at first as an earnest upholder of the puritanical school of thought in the church, and, later on, also as the jealous defender of the church's establishments. To the motive of avarice every change of opinion has been attributed, but it is difficult to see how one influenced by self-interest alone could, at the opening of his career, when his temporal advantage lay at stake, have addressed to the chief minister of the crown such a protest as the following :

Now I humbly crave pardon of your honour that I may without offence unburden my conscience in a matter that troubleth the same not a little. It is reported here (I pray God it be untrue) that no small offence is taken with some of the ministry for not wearing such apparel as the rest do, and that for the same many godly and learned preachers are deprived of their livings. O crafty Devil and subtle Satan! when he cannot overthrow (no, nor once shake) the chiefest points of our religion, what ado makes he about

<sup>1</sup> Coverham is in the north of the shire (Vict. Hist., Yorkshire North Riding, i. 222). The patronymic Loftus is derived from a parish called Lofthouse which lies also in that part of the shire. In 1472 Christopher Lofthouse appears as prior of Healaugh Park near York (Pat. Rolls, Edw. IV—Hen. VI, p. 321).

trifles and light matters. This enemy of God and of all sincerity and truth, customably is wont to deceive the rulers of this world, so that either they utterly neglect or cruelly persecute the true and sincere religion, and where he can bring neither of these to pass, then he turmoils and turns all things topsy-turvy, until he hath brought in a mixed and mingled religion, neither plainly against nor wholly with God's Word, which mixed and mingled religion is so much more dangerous, as it is accompted for good and comely. How earnestly it is forbidden by the Lord Himself, the manifold examples of the Scriptures do plainly declare, but for want of leisure to omit them all, remember the saying of Elias the Prophet: How long will you halt on both sides, if the Lord be God, follow Him, if Baal, go ye after him. Even so may be truly said, if the priesthood and ministry of Christ with his notes, tokens and marks be true, holy and absolutely perfect, receive it; if peradventure it be not, follow the Pope.<sup>1</sup>

With advancing years, however, love of money became in Loftus undoubtedly a passion. Judged by the light of to-day he cannot be acquitted of nepotism, but judged by the light of his own day he was justified by the end—the foundation of a great family, then thought one of the highest aims in life. As an old writer expresses it, he was a prelate in height and spirit agreeable to the dignity of his place, and left behind him fitting monuments of his mind and grandeur in the stately castle built by him near Dublin, and in an ample provision for a numerous progeny.<sup>2</sup> To his part in the government of Ireland there will be occasion at a later stage to make reference.

Although in some cases not wanting in very excellent qualities, and not ranking low in the list of the holders of their office, the other chancellors in Elizabeth's reign seem, beside Loftus, as pigmies. Her first chancellor was Loftus's predecessor in the see of Dublin,

<sup>1</sup> Shirley's *Orig. Lets.*, p. 216.

<sup>2</sup> Borlase's *Reduction of Ireland*, p. 146.



Hugh Curwen, who was in the practice of compliance a rival of the vicar of Bray. After graduating in civil law at Oxford, he had been found by Henry the Eighth a convenient expounder of the royal will, equally ready to denounce heresy, to defend the king's mood in matters matrimonial, and to uphold his sovereign's supremacy, and had been rewarded by much ecclesiastical preferment, culminating in the deanery of Hereford. Under Edward the Sixth, he gave voice to no sentiment that stopped the flow of preferment. Under Mary he was so willing an instrument that he was sent two years after her accession, in 1555, to Ireland as ruler of the church and of the law, and under Elizabeth he became so ready a convert that he was not only continued for nine years in his great dual position in Ireland, second only to that of the chief governor, but also translated afterwards to an English bishopric, so near the throne as that of Oxford. His eagerness to observe the ordinances of the time in every detail was intense ; he lost not a moment under Mary in setting up images, and under Elizabeth in casting them down. Soon after Elizabeth's accession, though he was then but fifty years of age, his health gave way, and as he attributed his ailments to the Irish climate, his applications for translation to England were incessant. His own letters were seconded by those of others, who represented him as unfit from age for his duties,<sup>1</sup> but these hardly tended to facilitate his translation, and retirement on a pension would, in his opinion, have been interpreted as disgrace, besides entailing loss of means to maintain hospitality and to retain a family of servants, English like himself by birth, not to speak of equine favourites.<sup>2</sup> Finally, after seven years' effort, his wish was accomplished and he took ship, leaving, according to his successor as chancellor, a good report

<sup>1</sup> Shirley's Orig. Lets., pp. 94, 142.

<sup>2</sup> Ibid., pp. 146, 147, 249.

behind him, but according to Loftus, an uncenviable notoriety for perfidity and profanity.<sup>1</sup>

As chancellor, Curwen was succeeded in 1567 by a most distinguished lay civilian, then dean of the arches, Robert Weston. In Ireland Weston was destined to find, before many years, his grave, but in it posthumously he gained everlasting glory as the progenitor of the children of the great Earl of Cork, who counted his wife's descent from Weston as a proud possession. A native of Lichfield, Weston appears at Oxford in the last decade of Henry the Eighth's reign as an honoured student in his subject, and after Edward the Sixth's accession, as principal of the civilians' training school, Broadgates Hall. That position he vacated to become vicar-general to Miles Coverdale at Exeter, and after serving as member successively for that city and his birthplace, he was raised under Elizabeth to the office of dean of the arches. On his arrival in Ireland as chancellor, he was hailed as "the patron of virtue and godly modesty," and was said to have blessed the whole realm by "his upright, diligent, and dutiful service."<sup>2</sup> Throughout his six years' tenure of the chancellorship, he suffered from ill-health, which was attributed as in Curwen's case, to the climate, although he seems to have brought ailments with him,<sup>3</sup> and he was harassed by want of ready money. Without private means he had been warned that he would either have to live in Ireland as a miser, or return to England as a beggar,<sup>4</sup> and he could never make ends meet, in spite of arbitrary measures on the part of the crown to augment his income. These measures placed him in the extraordinary position for a layman of presiding as dean over two cathedrals, cathedrals separated so

<sup>1</sup> Shirley's Orig. Lets., pp. 275, 304.

<sup>2</sup> Ibid., p. 316; Holinshed's Chronicles, ii. 116.

<sup>3</sup> S.P. Ire., i, pp. 345, 420.

<sup>4</sup> Collins's Lets. and Mems. of State, i. 10.

widely as St. Patrick's and Wells, and the impropriety of the circumstance has been represented as weighing so heavily on his conscience as to shorten his life, which is hardly compatible, however, with his disposal, when on his death-bed, of church property held by him for lay uses.<sup>1</sup>

After Weston's death in 1573, the custody of the great seal was committed to Loftus in the capacity of lord keeper, and the judicial functions of the chancellor remained more or less in abeyance until 1576 when the chancellorship was given to Sir William Gerard, who was then prominent in the government of Wales. His appointment was probably due to his being a cousin of Elizabeth's attorney-general, Sir Gilbert Gerard, the progenitor of the peers of the family, but it had also the approval of the lord deputy, Sir Henry Sidney, who, as president of Wales, had for many years experience of the new chancellor. For the office of chancellor, Gerard's legal qualifications were very inferior to those of Weston. At an early age he had become an ancient of Gray's Inn, and from that time he had spent his professional life in discharging various legal offices in Wales and Chester, of which city he was a representative in parliament almost continuously for over twenty-five years. Besides want of legal qualification, he had the disadvantage of divided allegiance, his connexion with Ireland being never more than partial. He retained his judicial office in Wales and his seat in the English parliament, and more than half of his five years' tenure of the seal was spent out of Ireland. Like Weston he was given the deanery of St. Patrick's to augment his salary, and he is said to have had in all, while holding the chancellorship, gifts amounting to three thousand pounds bestowed on him.<sup>2</sup> Of the dignity of his office, he showed little consciousness, and concerned himself about many things outside his province. Soon after

<sup>1</sup> Waters's *Chesters of Chicheley*, p. 93.

<sup>2</sup> S.P., Ire., viii. 294.

his arrival he appears busying himself about the supply of food for the army and playing "the butcher and baker on two several market days,"<sup>1</sup> and two years later he figured as a recruiting officer, for which purpose he was careful to provide himself with "a portion of armour somewhat better than the common sort."<sup>2</sup> He seized every opportunity of escaping from the trammels of equity, and travelled about the country holding sessions as he had been wont to do in Wales.

At first, when he came over, he appears as an energetic reformer: the air and country met then with his approval, but not so the people. He reviewed the crew of judges, legal officials, and practitioners and found "not any good, no not one."<sup>3</sup> As a consequence he recommended that the four courts should be consolidated into one, and threatened to die if men of English birth were not sent to assist him.<sup>4</sup> But on finding that a coercive policy was not favoured by Elizabeth, he changed his note, and when a vacancy came on the bench, he was as urgent for a man of Irish birth as he had formerly been for one of English.<sup>5</sup> Like Curwen and Weston, he broke down soon in health, attributing as they had done, every ailment to the Irish climate, and he grew rapidly worse, although unlike his predecessors, he had ample opportunity of restoring his health in England, until in 1581 his death, which occurred in Chester, terminated his sufferings. Although he is said to have acknowledged shortly before his death "with weeping tears" that he had not held the deanery without pangs of conscience,<sup>6</sup> he advocated soon after his arrival the translation of the archbishop of Dublin to England, and the diversion of part of the revenues of the see to pay English justices.<sup>7</sup> In connexion with

<sup>1</sup> Carew MSS., ii. 71.

<sup>2</sup> S.P., Ire., ii. 176.

<sup>3</sup> Ibid., p. 96.

<sup>4</sup> Carew MSS., ii. 56; S.P., Ire., ii. 111.

<sup>5</sup> S.P., Ire., ii. 171, 222.

<sup>6</sup> Ibid., p. 279.

<sup>7</sup> Carew MSS., ii. 55.



patronage, he did not escape charges of venality,<sup>1</sup> and by his conduct, he must have greatly eased the way for Loftus, who possessed in an eminent degree qualities that Gerard lacked and who, while acting in his absence, had been given judicial powers and had shown his ability to exercise them.

The insufficiency of the judges, about which Gerard was at first so much concerned, was a subject of complaint for three-fifths of Elizabeth's reign. She was singularly unfortunate. Apart from want of legal knowledge, it was the exception to find anyone on the judicial bench who was not suffering either from age or ill-health. Within twelve months of her accession she had to fill the chief seats in the Queen's Bench and the Common Bench. Both had become vacant by death; the former by that of the veteran Aylmer; the latter by that of Luttrell's successor, John Bathe, who was like Luttrell, a great gentleman of the Pale, the owner of Athcarne in the county of Meath. He was credited with exceptional skill in the laws of England as well as with fidelity, industry, and circumspection,<sup>2</sup> and when he became chief justice of the Common Bench, he had, although a law officer, only fifteen years' standing at the bar. But his tenure of office was no more than five years, and in his place Elizabeth appointed in the person of Sir Robert Dillon, a man who in all probability was approaching three-score and ten years. He was a younger brother—it would seem probable a half-brother—of Sir Bartholomew Dillon, who had died thirty years before, and he had served the crown for twenty years in the office of attorney-general, and for four in that of justice of the Queen's Bench. In spite of his incapacity, and of efforts to secure his supersession, he retained his hold on his chief justiceship for over twenty years, when death obliged him, at about the age of four-score and ten years, to relinquish his grasp.

<sup>1</sup> S.P., Ire., ii. 279.

<sup>2</sup> Lib. Mem. Pub. Hib., ii. 35.



To the chief seat in the Queen's Bench, Elizabeth appointed, a few weeks after Dillon's promotion to the chief seat in the Common Bench, a man also on the shady side of three-score years, in the person of Sir John Plunket. He was a grandson of the chief justice of Simnel and Warbeck memory, and had received a good legal education, but on becoming owner of Dun-soghly, he forsook his profession, and appears in the reign of Edward the Sixth as an official, inquiring as to the gravity of beer and the quality of beds,<sup>1</sup> and under Mary as a member of the council.<sup>2</sup> To his services in the latter capacity he owed doubtless his elevation to the bench, and in spite of age, he struggled to assist in the government of the country until death brought to an end his tenure of office, which had lasted for twenty-three years and did not terminate until he was probably four-score and five years.

In the office of chief baron, Elizabeth found Henry the Eighth's nominee, James Bathe, who continued in it until his death which occurred in 1570 after thirty years' service, and in the office of master of the rolls, John Parker who was given that place at the close of Edward the Sixth's reign. Amongst those who have had the custody of the rolls, Parker was certainly not the least extraordinary. He appears ten years before Henry the Eighth's death as a cloth-maker in the retinue of the governor of Calais, Lord Lisle,<sup>3</sup> and subsequently in Ireland as "the poor secretary" of Sir Anthony St. Leger when filling the office of lord deputy.<sup>4</sup> With his secretaryship he combined commercial pursuits in connexion with which he became a shipowner,<sup>5</sup> and after he became master of the rolls, he was given a licence to export from Ireland wool, inasmuch as he had set

<sup>1</sup> S.P., Ire., Edw. VI, i. 65, in Pub. Rec. Off.

<sup>2</sup> S.P., Ire., i. 147.

<sup>3</sup> Lets. and Paps., Hen. VIII., viii. 1158 (21); xv. 749 (2).

<sup>4</sup> S.P. Hen. VIII, iii. 462, 482.

<sup>5</sup> Ibid., 541.

up within that realm for "its benefit and commodity" the making of tapestry and hats, and required for "those mysteries," out of England and Flanders, dyed wool and crewel, which could not be paid for in money owing to the loss in exchange.<sup>1</sup> Parker died five years after Elizabeth's accession and in his room, after a lapse of more than two years, a successor was found in the person of Henry Draycott, who seems to have been legally no better qualified, although he had served for many years in the Exchequer of which he had become a baron, and who suffered from ailments of a chronic kind.

At that time, the autumn of 1566, contemporary references indicate that the judiciary did not stand high in public estimation, and as appears from the following synopsis of the constitution of the bench then, the appointment of two extra judges had been found necessary, presumably to allay criticism :

Chancellor . . . .	Hugh Curwen, abp. of Dublin.
Master of the Rolls . . .	Henry Draycott.
Chief Justice of the Queen's Bench	John Plunket. <sup>2</sup>
Justices of the Queen's Bench	James Dowdall. Bartholomew Russell.
Chief Justice of the Common Bench	Robert Dillon (No. 1). <sup>3</sup>
Justice of the Common Bench	Richard Talbot.
Chief Baron of the Exchequer	James Bathe.
Barons of the Exchequer .	Robert Cusake. Richard Edward.

Not long before Curwen was translated to Oxford in 1567, the bench's state was thus graphically described by the lord deputy, Sir Henry Sidney, to Elizabeth :

What assistance in counsel I have God knoweth, and your Highness to your loss in the end you will feel. Your chancellor is now in a manner both speechless and senseless :

<sup>1</sup> Fiant, Eliz., 92.

<sup>2</sup> Knighted Dec. 1567.

the master of the rolls a very sick and a weak man, so as that court is now in effect utterly vacant. The same master of the rolls being also chancellor of your exchequer, and the chief baron thereof, being both sick and impotent, are forced to be absent from that court, so as thereby not only suitors be very evil satisfied, but God knoweth how your revenues and finances are there ordered, and I partly see how you lose, and yet cannot amend it for lack of time and other greater matters. The chief justice of your Highness's Bench is an old man, and evil able with that diligence to attend that place that were convenient, and the chief justice of the Common Pleas, a man much spent in years, and decayed both in sense and body, so as I am no sooner returned from any journey and can unwrap myself any one hour out of martial actions and devices, but that causes of all these courts by swarms fly in unto me, to the great confounding of my memory and hindrance of your service, and that in such sort as of necessity somewhat I must do or else intolerable evil would ensue.<sup>1</sup>

But before the close of Elizabeth's reign a great change came in the personnel of the bench. It was the result in a measure of the increasing power of England, and the exercise of the direct authority of the crown throughout the south and west of Ireland, but also in no less degree of the rebellion that took place in the Pale, and the subsequent division of its leaders on the questions of toleration and English *versus* Irish interest. At first the extension of English rule outside the Pale can have increased little, if at all, the work of the judges in Dublin, inasmuch as Munster and Connaught were provided with special tribunals set up in connexion with the presidencies for those provinces, Wexford had a judge specially appointed for its liberty by the crown, and the King's county and Queen's county were more or less under martial law; but a wider outlook began soon to be perceptible in the selection of persons for judicial office.

<sup>1</sup> Collins's *Lets. and Mems. of State*, i. 30.

During the first decade of Elizabeth's reign, besides the chancellor, the only judicial person born outside the Pale was the master of the rolls, and when the office of chief baron fell vacant in 1570, in spite of the condition of the bench, as represented by Sidney three years before, no attempt was made to introduce new blood and the place was given to Sir Lucas Dillon, who was the eldest son of the decrepit chief justice of the Common Bench, and son-in-law of the late chief baron. As attorney-general he had made himself very useful to the lord deputy and he was, no doubt, a most capable administrator, but from a legal aspect, all that could be said was that he was the best of the law officers of recent years, who were wont to "babble and brag out matters, right or wrong, at their pleasure without controlment, especially if the cause touched one of their cousins."<sup>1</sup> Two years later, in 1572, Elizabeth recognized herself, however, that she had interests in Ireland outside the Pale, and ordered that the place of master of the rolls should be given to Sir Nicholas White, who had been until then identified with the south of Ireland. He was a most extraordinary character, and by his Irish wit and self-confidence, a quality in which he was unsurpassed by any person noticed in these pages, he led captive for many years Elizabeth and Burghley as well as several chief governors of Ireland. His first appearance is as a vassal of the house of Ormond, studying law in Lincoln's Inn, where he was called to the bar fifteen years before his appointment as master of the rolls, and his next appearance is as representative in the Irish parliament of Kilkenny county and recorder of Waterford. Later on he became a member of a commission on the government of Munster, and in that connexion three years before his appointment as master of the rolls, he had found occasion to go to England and to secure audience of Elizabeth, which he used to such

<sup>1</sup> Bagwell's *Ireland under the Tudors*, ii. 297.



good purpose that he was sent away loaded with honours and possessions—a seat on the Irish council, the seneschalship of Wexford, and a residence near Dublin. Not content with the high degree of favour that he had secured, he tried to commend himself further to Elizabeth by contriving on his way back to Ireland to have an interview with Mary Queen of Scots, who had then just arrived at Tutbury Castle, in order to entrap her in her talk. But she proved a match for him, the result of the interview being summed up by White in the following naive passage with which he concluded a long letter to Burghley :

But if I, which in the sight of God bear the Queen's Majesty a natural love besides my bounden duty, might give advice, there should very few subjects in this land have access to, or conference with this lady. For besides that she is a goodly personage, and yet in truth not comparable to our sovereign, she hath withal an alluring grace, a pretty Scottish speech, and a searching wit, clouded with mildness. Fame might move some to relieve her, and glory joined to gain might stir others to adventure much for her sake ; then joy is a lively infective sense and carrieth many persuasions to the heart which ruleth all the rest. Mine own affection by seeing the Queen's Majesty our Sovereign is doubled, and thereby I guess what sight might work in others. Her hair of itself is black, and yet Mr. Knollys tells me that she wears hairs of sundry colours.<sup>1</sup>

When the office of master of the rolls fell vacant by Draycott's death, White chanced to be again with the Queen, and without loss of time the following missive, so characteristic of Elizabeth, was despatched to the lord deputy, Sir William Fitzwilliam :

We understand that the mastership of the rolls is void by the death of Henry Draycott, whom we always esteemed as a faithful, good servant, and, therefore, we are sorry to have lost such one, but that we trust he hath won a better state by exchange of this worldly life, and perceiving also

<sup>1</sup> Burghley Papers, p. 511.



that commendation is made from you of one Nugent, and from others there of one Dillon, both of that country-birth, we ourselves for the knowledge we have of the sufficiency of Nicholas White, who is now here present with us, and perceiving by your late letters written to us on his behalf how much you esteem him for a councillor and how earnestly you desire to have him return for your assistance, have resolved to appoint him to be master of the rolls, which we think yourself will also best allow.<sup>1</sup>

White's rivals had already judicial office. Nicholas Nugent, who was an uncle of Lord Delvin of that day and a son-in-law of Sir John Plunket, held the place of second baron of the Exchequer, and Sir Robert Dillon, as he afterwards became, who was a grandson of Sir Bartholomew Dillon, held the place of second justice of the presidential court of Connaught. They were contemporaries, and like White, to whom they were junior about five years, they had been students at Lincoln's Inn, where, as hereditary foes, they had contention and were bound over to keep the peace towards one another.<sup>2</sup>

There were imminent then times of trial for the rulers of Ireland, in the largest field during the Desmond rebellion, and in the restricted one of the Pale during the agitation against military exactions and the risings under Viscount Baltinglas, and Lord Delvin's brother, William Nugent. In those times Sir Lucas Dillon, Sir Nicholas White, Nicholas Nugent, and Sir Robert Dillon were prominent and illustrated the categories into which leading men of Irish birth may then be divided, and the private feuds which lay behind public questions. Nugent committed himself to advocacy of the interests of the Pale irrespective of those of England and was ultimately ranged, more from circumstance than inclination, with those who were in open rebellion ; White, who became by adoption a Pale magnate, sought

<sup>1</sup> Lib. Mun. Pub. Hib., ii. 18.

<sup>2</sup> Black Books of Lincoln's Inn, i. 332.

to secure every advantage for the Pale, so long as he could carry English statesmen with him, but no further ; while the Dillons threw in their lot with the later English settlers and were in favour of securing submission to English policy by coercion. On other questions of that day there was no difference : they had all accepted the tenets of the Reformed faith and they were united in implacable hostility to Celts and things Celtic. As a result of their conduct during the agitation against military exactions, Nugent suffered two terms of imprisonment and was deprived of his seat on the bench ; White underwent suspension from his office and trial, but was acquitted and restored to his place ; while Sir Lucas Dillon was offered the place of chief justice of the Queen's Bench, and Sir Robert Dillon was promoted to the place of second justice of the Common Bench.

When his great-uncle died a few years later, in 1580, Sir Robert Dillon, looked upon the chief seat as his own, and did not take any particular trouble to press his claims, but he found that Nugent had not neglected to make use of the power of the purse and had secured the office for himself. Nugent's chief friend was Lord Chancellor Gerard, who forgot the need of men of English birth in view of a handsome gift,<sup>1</sup> and no doubt by a similar stimulus English officials were induced to give their support, as Nugent had a very efficient agent in London in the person of a nephew, who secured not only the chief justiceship for his uncle, but also the attorney-generalship for himself.<sup>2</sup> But Nugent was not long allowed to hold his seat, for the establishment of a vigorous administration under Lord Grey and the imprisonment of Nugent's nephew, Lord Delvin, on suspicion of implication in Viscount Baltinglas's rising, gave Sir Robert Dillon an opportunity of having the decision reversed, and in the spring of 1581, he hurried

<sup>1</sup> S.P., Ire., ii. 279.    <sup>2</sup> Ibid., p. 230 ; Lib. Mun. Pub. Hib., ii. 73.

to London, and succeeded in having Nugent superseded in favour of himself, partly on the ground that Nugent was insufficient, and partly on the ground that he was a traitor.<sup>1</sup>

There the matter did not, however, end, and on Thursday in Passion week 1582, the little town of Trim in the county of Meath was witness to the spectacle of an ex-judge being tried and condemned to death by a tribunal, of which his successor was a member, and on Easter Eve the same town beheld an ex-judge hanged, the only instance of such a fate befalling an Irish judicial person in Ireland.<sup>2</sup> The offence for which Nugent was tried was concealment of treason in regard to the rising under his nephew, William Nugent, but personal interest was a dominant feature of the trial. On the one hand Nugent was accused of endeavouring to contrive the assassination of Sir Lucas Dillon and Sir Robert Dillon, when holding assizes in Mullingar, and, on the other hand, Sir Robert Dillon was accused of securing the evidence on which Nugent was convicted. The witness, for there was only one, was an informer, and the proof of Nugent's guilt was conversation in his own house. The conduct of the trial is a striking revelation of the methods on which justice in Ireland was then administered by men of Irish birth. The tribunal, a special commission, consisted of the lord deputy, three ordinary members of the council, and three judges with a Meath jury. The judges, who were chosen, so far as can be seen, on the ground that they had previous knowledge of the accused, were Nugent's rival, Sir Robert Dillon, Sir Robert's cousin Sir Lucas Dillon, and Nugent's supplanter as baron of the Exchequer, Richard Segrave. During the trial, Sir Robert Dillon was kept busy refuting charges of

<sup>1</sup> S.P., Ire., ii. 295-7.

<sup>2</sup> Two of the judges in Ireland during the Commonwealth were after the Restoration hanged but in London.

animus, which were made by Nugent and his witnesses, and he and the other commissioners were alleged to have discussed with the jury their verdict before it was given, and to have induced them to change from acquittal to conviction. But perhaps the most remarkable disclosure in connexion with the trial is the fact that a person of education, possibly a lawyer, could allege with any expectation of being believed that on the day of Nugent's execution Sir Robert Dillon, then chief justice of the Common Bench, turned round on his horse when riding away from Trim, and, looking towards the scene of the execution, said: "Ha, friend Nugent! I think I am even with you now for going between me and my place, and if I live, I will do as much for him that brought your letters out of England for that purpose."<sup>1</sup>

But Sir Robert Dillon appears in a very different light four years later, in the spring of 1585, when he is found on three successive days listening to a disquisition on ethics and intervening from time to time with interrogatories and comments that show refinement and mental culture. The disquisitor was Lodovick Bryskett, who is known as a friend of Sir Philip Sidney and Edmund Spenser, his auditors were men in the employ of the crown in Ireland, where he had been himself for seven years clerk of the council, and his environment was what is now the Phoenix Park, where he had built a cottage, near the site of the magazine, the erection of which is said to have drawn from Swift a last flash of satire.<sup>2</sup> Half of the auditors, eight in number, were

<sup>1</sup> Brit. Mus., Stowe MSS., 4793, 127-40.

<sup>2</sup> A Discourse of Civill Life: concerning the Ethike part of Morall Philosophie. Fit for the instructing of a Gentleman in the course of a virtuous life. By Lod: Br. London, 1606. Of this Discourse Dr. Grosart has treated in the Works of Spenser (i. 142, 148, 500). He suggests that it was delivered in the spring of 1582, but he failed to observe that one of the audience, Archbishop Long, did not come to Ireland until the summer of 1584, and that Lord Groy's successor in the chief governorship of Ireland, to whom there is allusion (Dis-



men of action by land or sea, but the other half included—besides Dillon—Spenser, the archbishop of Armagh, and a leading lawyer. Of these Dillon was most in evidence. It is he who opens the *séance* by inquiring “with a smiling countenance” the reason of a prophylactic regimen that kept Bryskett in the house, and by questioning the wisdom of the motives that had led Bryskett to resign his office and adopt the rôle of a student.<sup>1</sup> He is brought thus to the subject of Bryskett’s study, and he is foremost in persuading Bryskett to give his friends the benefit of his knowledge of a work on moral philosophy by an Italian writer, of whom Bryskett was by descent a compatriot.<sup>2</sup> During the disquisition Dillon figures on the first day as a classical scholar, quoting the views of Lysurgus and Plato on infanticide, on the second day as an authority on education, illustrated by his experience of his own children, and on the third day as a theologian, discussing with confidence such subjects as predestination and free will.<sup>3</sup> Besides, he is represented as a master of graceful and apt speech, not without a sense of humour, recommending before dinner that their bodies should be fed temperately to the end that their minds might be the sharper set to fall to the dainties that the

course, p. 158), did not come to Ireland in that capacity until the same time. There can be no doubt that the *Discourse* was delivered in spring (*ibid.*, p. 5), and not long after Grey’s successor, Sir John Perrot, had assumed office. The date, spring 1585, can therefore be assigned with confidence to it, and the more so as at that time, although not later, all the persons mentioned in it were in Ireland (*S.P., Ire.*, ii, *passim*). In the Lismore Papers (ser. 2, ii. 279) Dr. Grosart mentions that Bryskett’s cottage was near Chapelizod, and in the *Discourse* (p. 92) it is said to have stood near a hill and mount. Such a situation shows its site to have been near the magazine in the Phoenix Park, and to have been probably that occupied in Jacobean times by the viceregal residence known as the Phoenix.

<sup>1</sup> *Discourse*, pp. 6–9.

<sup>2</sup> *Ibid.*, p. 29.

<sup>3</sup> *Ibid.*, pp. 34–7, 97, 175–7.



disquisitor had prepared, and quoting after dinner “the approved opinion of all antiquity” that

After dinner a man should sit awhile,  
And after supper walk a mile.<sup>1</sup>

But a trace of his sterner side is seen in the complacency with which he refers to the measures of repression with which the administration of Lord Deputy Grey had been identified.<sup>2</sup>

With knowledge of such judicial methods as prevailed at the trial of Chief Justice Nugent, it is no wonder that soon after his arrival as lord deputy in the summer of 1584, Sir John Perrot should have represented the execution of the law as out of course and the judges as carried away in affection of country and kindred, and have asked that an English barrister, “stout and learned,” should be sent over as chief justice of the Queen’s Bench with authority to be “an overseer of the rest of the courts to bring them into better order.”<sup>3</sup> On the termination of Sir John Plunket’s long tenure of office in 1583 the chief justiceship of the Queen’s Bench was offered by Elizabeth to Sir Lucas Dillon, who was then with her, and had been given on his advice to Sir James Dowdall, a man of his own kind, then a justice of both the Queen’s and Common Bench, who as a native of Louth had proved “a great stay” in negotiations with the Ulster chiefs.<sup>4</sup> He had died a year after his promotion in the spring of 1584, shortly before Perrot’s arrival, and a proposal that an English barrister should be appointed in his room had already been made by the lords justices, of whom Loftus was one. It was not, however, until the office had been vacant two years that the person sought arrived in the person of Sir Robert Gardener. He was a barrister of sixteen years’ standing and a bencher of his inn, and in order to increase his prerogative he was

<sup>1</sup> Discourse, pp. 93, 97.

<sup>3</sup> History of Perrot, p. 176.

<sup>2</sup> Ibid., p. 158.

<sup>4</sup> Lib. Mun. Pub. Hib., ii. 30; S.P., Ire., ii. 566.

made, like the English judges, a serjeant. His value as a judge must have been neutralized by the calls upon him in connexion with executive government, and by absences in England, for which, as in so many other cases, health was the excuse, but his services were so considerable that five years after his appointment the Queen conferred herself on him the honour of knighthood.

At that time, the summer of 1591, the members of the bench were still almost entirely of Irish birth, as the following synopsis in which those of English birth are marked with an asterisk, manifests :

Chancellor . . . . .	*Adam Loftus, abp. of Dublin.
Master of the Rolls . . . .	Sir Nicholas White.
Chief Justice of the Queen's Bench	*Sir Robert Gardener.
Justice of the Queen's Bench	Nicholas Walsh. Gerald Dillon.
Chief Justice of the Common Bench	Sir Robert Dillon (No. 2).
Justice of the Common Bench	William Bathe.
Chief Baron of the Exchequer	Sir Lucas Dillon.
Barons of the Exchequer . .	Richard Segrave. John Elliott.

But the demand for judges of English birth was accentuated then by a recrudescence of the Dillon-Nugent feud, in which the parties were, however, transposed, the former foes to English rule, Lord Delvin and William Nugent, being the accusers and Sir Robert Dillon the accused. Considering his great position, in public opinion that of the wealthiest commoner in the Pale,<sup>1</sup> Sir Robert Dillon proved very vulnerable, and charges of concealment of treason, corruption, and disloyalty were freely levelled at him. He was kept for more than a year under restraint, for part of the time as a close prisoner, and two inquiries were held. The

<sup>1</sup> S.P., Ire., iii. 99.

second one was by a commission of which Loftus and Gardener were members, and after two months' work the evidence given before it was sent to the English privy council, with the result that Sir Robert Dillon was removed from the Bench.<sup>1</sup> To add to the distrust of men of Irish birth, at the same time Sir Nicholas White became entangled in Sir John Perrot's impeachment, through, as he alleged, Sir Robert Dillon's malice, and was brought to London, where he was long confined in the Tower and elsewhere.<sup>2</sup>

When the spring of 1593 came the Irish judicial bench was paralysed for want of chief justices. Sir Robert Dillon had been suspended for a year and a half, Sir Lucas Dillon, who was affected by the accusations against his cousin, had died a year before, and Sir Nicholas White, who was broken down by his imprisonment, had died in the winter. In the circumstances men of Irish birth were out of the running, and three English barristers were sent over. As chief justice of the Common Bench and chief baron there went respectively Sir William Weston and Sir Robert Napper, who were both benchers of the Middle Temple and members of the English parliament, as well as graduates of Oxford University, where Napper had been a fellow of Exeter College; and as master of the rolls Sir Anthony St. Leger, an ancient of Gray's Inn, who had the *éclat* of being a nephew of a former lord deputy.

But another swing of the pendulum came, and a year later, when Sir William Weston died, men of Irish birth were once more in the ascendant. As Weston's immediate successor, Sir Robert Dillon succeeded in gaining restoration to his old seat, and although this might be accounted for by a desire to prove his exoneration from serious guilt, the precedent was followed on his death in 1597, and another Irishman gained the day in the person of Sir Nicholas Walsh, who had been

<sup>1</sup> S.P., Ire., iv; and v, *passim*.

<sup>2</sup> *Ibid*.

chief justice of Munster and a puisne judge of both benches in Dublin. He was a native of Waterford, where he had been brought up under the direction of Sir Nicholas White, and was a man of ability whom Perrot chose to preside as speaker in his parliament, a capacity in which he delivered a great oration in the laboured style of that day.<sup>1</sup> Of his legal qualification little is known, but his reputation as the wealthiest commoner in Munster probably compensated for any deficiency.<sup>2</sup>

<sup>1</sup> S.P., Ire., iii. 55

<sup>2</sup> Ibid., p. 99.

## SUCCESSION

### OF THE

CHANCELLORS AND KEEPERS OF THE GREAT SEAL,  
KEEPERS AND MASTERS OF THE ROLLS, CHIEF JUSTICES  
OF THE JUSTICIAR'S COURT OR THE KING'S BENCH,  
CHIEF JUSTICES AND JUSTICES OF THE BENCH, OR THE  
COMMON BENCH, AND CHIEF BARON AND BARONS OF  
THE EXCHEQUER APPOINTED TO THE JUDICIAL BENCH  
IN IRELAND FROM THE REIGN OF RICHARD II TO THAT  
OF ELIZABETH, 1377-1603

### CHANCELLORS AND KEEPERS OF THE GREAT SEAL

- 1377. Alexander de Balscote, bishop.
- 1377. Robert de Wikeford, archbishop.
- 1380. John de Colton, clerk.
- 1381. William Tany, prior.
- 1383. Ralph de Cheyne, knight.
- 1384. Robert de Wikeford, archbishop.
- 1385. Alexander de Balscote, bishop.
- 1392. Robert de Waldby, archbishop.
- 1393. Richard Northalis, bishop.
- 1395. Alexander de Balscote, bishop.
- 1397. Robert de Braybrok, bishop.
- 1398. Thomas Cranley, archbishop.
- 1399. Alexander de Balscote, bishop.
- 1401. Thomas Cranley, archbishop.
- 1406. Laurence Merbury, knight.
- 1410. Patrick Barret, bishop.
- 1413. Thomas Cranley, archbishop.
- 1414. Laurence Merbury, knight.
- 1421. William Fitzthomas, prior.
- 1422. William Yonge, clerk.
- 1422. Laurence Merbury, knight.



- 1423. Richard Talbot, archbishop.
- 1426. William Fitzthomas, prior.
- 1426. Richard Fitzeustace, knight.
- 1426. Richard Talbot, archbishop.
- 1430. Thomas Chace, clerk.
- 1441. Richard Wogan, clerk.
- 1442. Richard Talbot, archbishop.
- 1443. Richard Wogan, clerk.
- 1446. John Talbot, knight.
- 1460. Edmund Plantagenet, earl.
- 1460. John Dinham, baron.
- 1461. William Welles, knight.
- 1464. Thomas Fitzgerald, earl.
- 1464. John Tiptoft, earl.
- 1472. Roland Fitzeustace, baron.
- 1474. Gilbert Debenham, knight.
- 1476. Roland Fitzeustace, baron.
- 1478. Richard Martyn, clerk.
- 1479. William Sherwood, bishop.
- 1482. Walter Champfleur, abbot.
- 1483. Robert St. Lawrence, baron.
- 1483. Thomas Fitzgerald, knight.
- 1486. Roland Fitzeustace, baron.
- 1492. Alexander Plunket, knight.
- 1494. Henry Deane, bishop.
- 1496. Walter Fitzsimons, archbishop.
- 1512. William Rokeby, archbishop.
- 1513. William Compton, knight.
- 1516. William Rokeby, archbishop.
- 1522. Hugh Inge, archbishop.
- 1528. John Alen, archbishop.
- 1532. George Cromer, archbishop.
- 1534. John Barnewall, baron.
- 1538. John Alen, knight.
- 1546. *Keeper* Thomas Cusake, knight.
- 1546. Richard Rede, knight.
- 1548. John Alen, knight.
- 1550. Thomas Cusake, knight.
- 1555. *Keeper* William Fitzwilliam, knight.
- 1555. Hugh Curwen, archbishop.
- 1567. Robert Weston.
- 1573. *Keeper* Adam Loftus, archbishop.

- 1576. William Gerard, knight.
- 1577. *Keeper* Adam Loftus, archbishop.
- 1579. *Keeper* Same.
- 1581. *Keeper* Same.
- 1581. Adam Loftus, archbishop.

## KEEPERS OR MASTERS OF THE ROLLS

- 1377. Robert Sutton, clerk.
- 1386. Thomas de Everdon, clerk.
- 1395. Robert de Faryngton, clerk.
- 1395. Robert Sutton, clerk.
- 1398. John de Kirkeby, clerk.
- 1404. Robert Sutton, clerk.
- 1430. William Sutton, clerk.
- 1437. Robert Dyke, clerk.
- 1450. John Chevir.
- 1461. Patrick Cogley, clerk.
- 1461. Peter Trevers.
- 1471. Thomas Dowdall.
- 1492. Thomas Butler.
- 1496. John Payne, bishop.
- 1513. Thomas Rochfort, clerk.
- 1521. Walter Wellesley, prior.
- 1522. Thomas Darcy, clerk.
- 1523. John Ricard, clerk.
- 1528. Thomas Darcy, clerk.
- 1530. Anthony Skeffington, clerk.
- 1533. John Alen.
- 1539. Robert Cowley.
- 1542. Thomas Cusake, knight.
- 1550. Patrick Barnewall, knight.
- 1552. John Parker.
- 1566. Henry Draycott.
- 1572. Nicholas White, knight.
- 1578. Edward Fitzsimons.
- 1578. Nicholas White, knight.
- 1593. Anthony St. Leger, knight.

CHIEF JUSTICES OF THE JUSTICIAR'S COURT OR  
THE KING'S BENCH

- 1382. Thomas de Mortimer, knight.
- 1384. John de Sotheron.


- 1385. John Penros.
- 1386. Edmund de Clay.
- 1388. Richard Plunket.
- 1388. Peter Rowe.
- 1395. William Hankeford.
- 1396. William Tynbegh, clerk.
- 1397. Peter Rowe.
- 1397. Stephen Bray.
- 1404. Richard Rede.
- 1406. Stephen Bray.
- 1426. Henry Fortescue.
- 1429. Stephen Bray.
- 1435. Christopher Barnewall.
- 1437. William Boys.
- 1437. Christopher Barnewall.
- 1446. Richard Bye.
- 1447. Robert Plunket.
- 1447. James Alleyn, knight.
- 1457. Nicholas Barnewall, knight.
- 1461. Thomas Plunket, knight.
- 1461. Nicholas Barnewall, knight.
- 1463. Thomas Plunket, knight.
- 1468. John Chevir.
- 1474. Philip Bermingham.
- 1490. Thomas Cusake.
- 1494. Thomas Bowring.
- 1496. John Topcliffe.
- 1513. Patrick Bermingham.
- 1533. Bartholomew Dillon, knight.
- 1534. Patrick Finglas.
- 1535. Gerald Aylmer, knight.
- 1559. John Plunket, knight.
- 1583. James Dowdall, knight.
- 1585. Robert Gardener, knight.

JUSTICES OF THE JUSTICIAR'S COURT OR THE  
KING'S BENCH

- 1382. John Keppok.
- 1382. James Penkestoun.
- 1385. John de Sotheron.
- 1385. John Lumbard.

- 1388. Robert Luttrell.
- 1388. Walter Penkestoun.
- 1395. William Sturmy, knight.
- 1402. John Bermingham.
- 1416. Roger Hawkenshaw.
- 1434. Christopher Barnewall.
- 1435. William Chevir.
- 1447. Edward Somerton.
- 1461. Barnaby Barnewall.
- 1461. John Beg.
- 1479. John Danston.
- 1514. John Barnewall, baron.
- 1522. Bartholomew Dillon, knight.
- 1533. Christopher Delahide.
- 1535. Patrick White, knight.
- 1535. Thomas St. Lawrence.
- 1554. Robert Dillon.
- 1559. Luke Netterville.
- 1560. Richard Dillon.
- 1565. James Dowdall.
- 1566. *Extra* Bartholomew Russell.
- 1583. Edmund Butler.
- 1585. Nicholas Walsh.
- 1590. *Extra* Henry Burnell.
- 1590. *Extra* Gerald Dillon.
- 1599. William Saxey.
- 1602. John Everard, knight.

#### CHIEF JUSTICES OF THE BENCH OR THE COMMON BENCH

- 1378. Henry Michel.
- 1380. Stephen Bray.
- 1383. William de Langham, knight.
- 1385. John de Shriggeley.
- 1385. Edmund de Clay.
- 1386. John Tirel.
- 1396. John Giffard, clerk.
- 1396. John Fitzadam.
- 1419. William Tynbegh, clerk.
- 1420. John Blakeney. 
- 1424. William Tynbegh.

- 1424. John Blakeney.
- 1428. James Alleyn, knight.
- 1430. John Blakeney.
- 1438. Robert Dowdall, knight.
- 1482. Thomas Plunket.
- 1494. John Topcliffe.
- 1496. Thomas Bowring.
- 1498. Thomas Plunket.
- 1514. Richard Delahide.
- 1534. Thomas Luttrell, knight.
- 1554. John Bathe.
- 1559. Robert Dillon, knight.
- 1580. Nicholas Nugent.
- 1581. Robert Dillon, knight.
- 1593. William Weston, knight.
- 1594. Robert Dillon, knight.
- 1597. Nicholas Walsh, knight.

JUSTICES OF THE BENCH OR THE COMMON  
BENCH

- 1385. William de Langham, knight.
- 1396. John Bateman, clerk.
- 1405. Thomas Seys, clerk.
- 1435. John Seys, clerk.
- 1436. William Baldwyn.
- 1439. John Bateman.
- 1466. John Cornwallsh, knight.
- 1472. Thomas Talbot.
- 1479. Henry Duffe.
- 1494. Nicholas Turner.
- 1519. Patrick Finglas.
- 1521. Thomas Netterville.
- 1528. Gerald Aylmer.
- 1534. Thomas Cusake.
- 1535. Walter Kerdiff.
- 1558. Richard Talbot.
- 1577. Robert Dillon.
- 1577. *Extra* James Dowdall.
- 1581. William Bathe.
- 1593. *Extra* Thomas Dillon.
- 1600. Patrick Fitzgerald.



1600. Peter Palmer.  
1602. *Extra* George Robinson.

## CHIEF BARONS OF THE EXCHEQUER

1377. Stephen Bray.  
1381. Thomas Bache, clerk.  
1383. William de Karlell, clerk.  
1384. Thomas Bache, clerk.  
1395. William Skrene.  
1397. William Tynbegh, clerk.  
1399. Richard Rede.  
1401. Robert Sutton, clerk.  
1403. Thomas Bache, clerk.  
1405. William Tynbegh, clerk.  
1413. James Fitzwilliam.  
1417. William Tynbegh, clerk.  
1419. James Uriell.  
1420. James Cornwalsh.  
1423. Richard Sydgrave.  
1426. James Cornwalsh.  
1441. John Cornwalsh, knight.  
1441. Michael Gryffin.  
1446. John Cornwalsh, knight.  
1473. Thomas Bathe, knight.  
1478. Henry Duffe.  
1480. Thomas Plunket.  
1482. Oliver Fitzeustace.  
1482. *Deputy* John Burnell.  
1487. *Deputy* John Estrete.  
1491. Oliver Fitzeustace and John Burnell.  
1492. John Wyse.  
1493. *Deputy* Clement Fitzlyons.  
1494. Walter Ivers.  
1496. John Topcliffe.  
1496. Walter St. Lawrence.  
1504. Thomas Kent, knight.  
1511. Richard Golding.  
1514. Bartholomew Dillon.  
1515. Richard Golding.  
1520. Patrick Finglas.  
1534. Gerald Aylmer.

- 1535. Patrick Finglas.
- 1537. Richard Delahide.
- 1540. James Bathe.
- 1570. Lucas Dillon, knight.
- 1593. Robert Napper, knight.
- 1602. Edmund Pelham, knight.

## BARONS OF THE EXCHEQUER

- 1378. William Archbold.
- 1380. Thomas Bache, clerk.
- 1381. Walter de Brugge.
- 1382. Thomas Taillour, clerk.
- 1382. John de Shriggeley.
- 1386. John Brekden.
- 1388. Robert Burnell.
- 1389. John de Karlell, clerk.
- 1399. Hugh de Faryngton, clerk.
- 1402. Richard Sydgrave.
- 1404. John Radcliff.
- 1415. John Gland.
- 1419. John Wyche.
- 1420. Richard Bermingham.
- 1422. John Lydington, clerk.
- 1424. Reginald Snyterby.
- 1425. Francis Toppesfeld.
- 1431. Thomas Shortalls.
- 1438. Thomas Derby.
- 1438. Peter Clynton.
- 1443. John Gough.
- 1445. William Sutton.
- 1462. Thomas Baryngton.
- 1469. Nicholas Whyte.
- 1473. Nicholas Sutton.
- 1478. Thomas Archbold.
- 1478. John Burnell.
- 1478. Patrick Burnell.
- 1491. Edward Golding.
- 1499. James Dillon.
- 1500. Thomas Strangways.
- 1505. Richard Nangle, clerk.
- 1507. Bartholomew Dillon.

- 1514. Nicholas Fitzsimons.
- 1521. Patrick White, knight.
- 1534. *Extra* Walter Hussey.
- 1535. *Extra* Walter Golding.
- 1561. Robert Cusake.
- 1563. *Extra* Henry Draycott.
- 1566. *Extra* Richard Edward.
- 1570. *Extra* Henry Draycott.
- 1570. Nicholas Nugent.
- 1575. *Extra* John Durning.
- 1578. *Extra* Roger Mainwaring.
- 1578. Richard Segrave.
- 1581. *Extra* Michael Cusake.
- 1590. *Extra* John Elliott, knight.
- 1598. Patrick Segrave.<sup>1</sup>

<sup>1</sup> In 1438 John Forth was appointed master of the rolls, and in 1391 Thomas Sweteman, chief justice of the bench, but they did not act.

## CATALOGUE

### OF THE

CHANCELLORS AND KEEPERS OF THE GREAT SEAL, KEEPERS AND MASTERS OF THE ROLLS, CHIEF JUSTICES AND JUSTICES OF THE JUSTICIAR'S COURT OR THE KING'S BENCH, CHIEF JUSTICES AND JUSTICES OF THE BENCH OR THE COMMON BENCH, AND CHIEF BARONS AND BARONS OF THE EXCHEQUER APPOINTED TO THE JUDICIAL BENCH IN IRELAND FROM THE REIGN OF RICHARD II TO THAT OF ELIZABETH, 1377-1603

**1377 Alexander de Balscote, bishop of Meath ;**

was called also Petit ; may possibly have been a kinsman of Nicholas de Balscote ; appears in Ireland 1358 ; received presentation to the vicarage of Dungarvan 1359 ; was then styled chaplain ; appears as a prebendary of Ossory 1371 ; was elected then bishop of Ossory ; received a pardon for bringing great sums of money to England to promote his election and for going to Rome without licence ; appears as treasurer of Ireland 1376 ; was appointed chancellor, but was superseded in a few weeks 1377 ; acted as justiciar 1379 ; was appointed again chancellor 1385 ; visited England 1386 ; became bishop of Meath same year ; acted as justiciar 1387-9 ; was rebuked for using the seal of Robert de Vere as lieutenant of Ireland after his attainder ; acted again as justiciar 1391-2 ; was superseded as chancellor in the latter year ; became again chancellor 1395 ; was superseded 1397 ; was reappointed 1399 ; acted as justiciar 1399-1400 ; died in co. Meath at Ardbraccan 1400 ; was buried at Trim in the abbey of St. Mary. [Ware's Bishops.]

**1378 William Archbold ;**

was possibly of Irish origin and akin to a family in co. Dublin ; appears as a member of the king's household 1369 ;

was styled the king's esquire 1373; was appointed forester of Braden Forest and surveyor of Vastern Park in Wiltshire 1374; was styled the king's sewer; became connected officially with Ireland as second baron of the Exchequer 1378.

**1380 Thomas Bache, clerk;**

was a member of a family connected with Genoa; appears in the employment of the crown; became archdeacon of Dublin 1369, and parson of Kilberry in co. Meath 1371; was appointed chancellor of the exchequer 1376; received presentation to the church of Brington in Northamptonshire 1378; became second baron of the Exchequer 1380 and chief baron 1381; was superseded 1383; reappears 1384; became archdeacon of Meath 1385; was superseded as chief baron 1395; became deputy chancellor 1398; appears as treasurer of Ireland 1400; was reappointed chief baron 1403 and was superseded 1405; visited England frequently; died in or before 1410.

**1380 John de Colton, afterwards archbishop of Armagh;**

derived his patronymic probably from Colton in Norfolk; was born at Terrington in that county; acted as chaplain to the bishop of Norwich; took degree of doctor of canon law at Cambridge 1348; was presented to the church of St. Michael in Wood-street in London 1349; acted as first master of Gonville Hall at Cambridge 1349-60; appears in Ireland as treasurer of that country 1373; organized opposition to the Irish tribes 1373-4; appears as dean of St. Patrick's Cathedral 1374; visited England same year; was superseded as treasurer 1375; appears as a prebendary of York 1377; was in England 1378; received then licence to export grain from Ireland; acted as a commissioner in regard to a dispute in Queen's Hall at Oxford 1379; returned to Ireland as chancellor 1380; was superseded 1381; went to Cork with the justiciar, who died there; acted as justiciar 1382; became archbishop of Armagh 1383; had then ecclesiastical possessions in Surrey; went to England to seek aid for Ireland 1388; was still there suing the king and council 1390; visited diocese of Derry 1397; went to Rome on secret affairs of the king 1398; received then a grant for his fidelity in regard to Ireland; died 1404; was



buried in Drogheda; wrote theological treatises and compiled an account of his visitation of Derry diocese. [Dict. Nat. Biog.; Ware's Bishops; Mason's Cath. of St. Patrick, p. 125; Cooper's Ath. Cantab.; Wylie's Edward the Fourth, ii. 157.]

**1381 Walter de Brugge, clerk;**

was sometimes called Brigge; appears in England but as connected with Ireland 1369; was guardian of the Irish estate of Roger de Mortimer 1371; became archdeacon of Meath 1381; appears also then as second baron of the Exchequer; was given licence to be absent from Ireland in the service of Edmund de Mortimer 1383; appears as prebendary in York 1388, in St. David's 1389, in St. Patrick's Cathedral 1390, and in Hereford 1392; was also parson of St. Mary's, Burwell; died 1396.

**1382 Thomas de Mortimer, knight;**

was uncle and deputy of Roger de Mortimer, fourth Earl of March, who was then lieutenant of Ireland; was appointed chief justice of the justiciar's court 1382; appears in Suffolk 1392; forfeited his property 1397; died in or about 1399.

**1382 James Penkestoun;**

was son of James Penkestoun, a resident in Ireland; appears there 1356; became keeper of the writs in the justiciar's court 1372; was appointed a justice of the justiciar's court 1382.

**1382 Thomas Taillour, clerk;**

was appointed a baron of the Exchequer 1382.

**1382 John de Shriggeley;**

was probably a son of John de Shriggeley of co. Dublin; was appointed second baron of the Exchequer 1382; appears as husband of Nichola, lately wife of Sir Simon Cusake 1385; was appointed chief justice of the Bench same year; became escheator of Ireland 1386; was granted, in consideration of seven years' service in divers offices and in the wars of Ireland, lands in Drogheda 1389; was styled knight 1390.

**1383 Ralph de Cheyne, knight ;**

was a brother of Sir Edmund de Cheyne, keeper of the Channel Islands, and possibly a son of John de Cheyne, guardian of Cornet Castle in Guernsey ; went to Ireland in the employment of the crown 1363 ; was styled knight 1370 ; acted as deputy justiciar 1373 ; appears as a landowner in Wiltshire 1377 ; became deputy constable of Dover Castle 1381 ; was appointed chancellor of Ireland 1383 ; was superseded 1384 ; reappears in Wiltshire 1385 ; was sheriff of the shire 1389.

**1383 William de Langham, knight ;**

appears in Cambridgeshire 1374 ; was styled then knight ; appears in Ireland as chief justice of the Bench 1383 and as a justice of the Bench 1385.

**1384 John de Sotheron ;**

was son of Thomas de Sotheron of Mitton in Lancashire ; appears in a dispute as to Mitton Church 1368 ; was pardoned for the death of John de Holden 1377 ; went to Ireland as chief justice of the Bench, but appears to have acted as chief justice of the justiciar's court 1384 ; became second justice of the justiciar's court 1385 ; returned to England ; accompanied Sir John Stanley to Ireland 1386 ; testified as to abduction of his wife from Dangan Castle in co. Meath 1392 ; reappears as a knight in England.

**1385 John Penros ;**

was described as of Eskals in Cornwall ; appears in England as an advocate ; was indicted for misdemeanours in Surrey 1383 ; went to Ireland as chief justice of the justiciar's court 1385 ; left without a licence and was accused of misconduct 1386 ; was appointed a justice of the English bench 1391 and a justice of South Wales 1393 ; died 1394. [Foss's Judges.]

**1385 Edmund de Clay ;**

appears as a landowner in Nottinghamshire 1374 ; went to Ireland as chief justice of the Bench 1385 ; was accompanied by a large retinue ; appears as chief justice of the justiciar's court 1386 ; reappears in Nottinghamshire 1389 ; acted in England afterwards as a commissioner of oyer and terminer.

**1385 John Lumbard ;**

was probably a descendant of Nicholas Lumbard ; acted as justice assigned in Ireland 1375, 1378 ; was in England 1381 ; appears as second justice of the justiciar's court 1385 ; was in England 1399 ; acted as deputy constable of Ireland 1402 ; received commissions 1408, 1410 ; died about 1412.

**1386 John Brekden ;**

appears as second baron of the Exchequer 1386.

**1388 Robert Burnell ;**

appears as lord of Balgriffin in co. Dublin ; was appointed second baron of the Exchequer 1388 ; appears in that office 1413 ; married Matilda, sister and co-heiress of Robert Tyrell, baron of Castleknock in co. Dublin.

**1388 Robert Luttrell ;**

was a collateral descendant of Robert Luttrell ; became second justice of the justiciar's court 1388.

**1388 Walter Penkestoun, clerk ;**

was a brother of James Penkestoun ; was appointed third justice of the justiciar's court 1388 ; received a pardon 1389.

**1388 Peter Rowe ;**

was a member of a family long settled in Ireland ; appears in England 1377 ; acted on his return to Ireland as advocate for the king 1383 ; was appointed chief justice of the justiciar's court 1388 ; had then custody of the great seal ; was superseded 1395 ; reappears as chief justice 1397 ; was finally superseded same year.

**1389 John de Karlell, clerk ;**

was a brother of William de Karlell ; appears in Ireland as chancellor of St. Patrick's Cathedral 1376 ; was a prebendary of Ferns and of Limerick ; acted as papal collector in Ireland 1381 ; was given licence to export wheat to Portugal and France 1386 ; received licence to levy profit during absence from Ireland 1388 ; was given church of Culfeightrin in co. Antrim 1389 ; became a baron of the Exchequer same year ; died in or before 1393 ; was

buried in Kilkenny Cathedral. [Graves and Prim's Cath. of St. Canice, p. 155.]

**1392 Robert de Waldbby, archbishop of Dublin ;**

derived his patronymic from a village near Hull ; was an Austin friar ; went to Gascony with the Black Prince ; engaged in study in University of Toulouse ; was employed on royal missions ; became bishop of Aire in Gascony 1387 ; was translated to archbishopric of Dublin 1390 ; was appointed chancellor 1392 ; was superseded 1393 ; was translated to bishopric of Chichester 1395 and to archbishopric of York 1396 ; died 1397 ; was buried in Westminster Abbey. [Dict. Nat. Biog. ; Ware's Bishops.]

Robert of th' Order of St. Augustinus,  
 Ascended the chair of Primate Paulinus ;  
 For his skill in the Latin few with him cou'd vie,  
 And in his first year he hasten'd to die ;  
 From a prison of flesh this prelate's convey'd,  
 And the clod of his body's in Westminster laid.

**1393 Richard Northalis, afterwards archbishop of Dublin ;**

may have derived his patronymic from Northall in Middlesex and been a son of John Northale, alias Clerk, sometime sheriff of London ; appears as a Carmelite friar there ; became bishop of Ossory 1386 ; went to Rome 1388 ; was summoned to England to advise the king 1391 ; was appointed chancellor 1393 ; attended the justiciar on a military expedition to Munster ; was superseded as chancellor 1395 ; was translated to archbishopric of Dublin 1396 ; died 1397 ; was buried in St. Patrick's Cathedral. [Dict. Nat. Biog. ; Ware's Bishops.]

**1395 Robert de Faryngton, clerk ;**

appears as a clerk in the English chancery 1370 ; was granted prebends and presented to various churches in England ; became prebendary of St. Patrick's Cathedral ; went to Ireland as keeper of the rolls in Chancery 1395 ; became treasurer of Ireland 1398 ; resumed his place in the English chancery 1400 ; was then a clerk of the first degree ; died in or before 1405,

**1395 William Hankeford ;**

appears as a landowner in Devonshire ; was appointed king's serjeant in England 1390 ; went to Ireland in the service of the crown 1394 ; was appointed chief justice of the King's Bench 1395 ; returned to England 1396 ; was appointed a justice of the English Common Bench 1398 ; became a knight at the coronation of Henry IV, 1400 ; was promoted to office of chief justice of England 1413 ; died 1422 ; was buried in Devonshire in Monkleigh Church. [Dict. Nat. Biog. ; Foss's Judges.]

**1395 William Sturmy, knight ;**

appears in the south of England ; received a commission to examine the castle of Marlborough 1386, and to arrest evil-doers in Hampshire 1387 ; held land in the forest of Savernake 1389 ; acted as a commissioner of array in Wiltshire 1391-5 ; went to Ireland as justice of the King's Bench 1395 ; appears again in Hampshire and Devonshire 1398.

**1395 William Skrene ;**

derived his patronymic from Skreen in co. Meath ; was of Irish birth ; appears in London as an apprentice of the law 1380 ; had been a long time engaged in legal study ; was given licence to be absent from Ireland and not to contribute to its defence ; appears as a legal commissioner in Middlesex, Kent, and Surrey 1390-4 ; was granted licence on application of the bishop of London to remain in England for life 1394 ; returned to Ireland as chief baron of the Exchequer 1395 ; appears again in England acting as a legal commissioner in Middlesex later in that year ; became a serjeant-at-law 1396 ; acted as a justice of the peace in the north of England 1401, 1405, and in the south of England 1407, 1409-14 ; lived in the parish of St. Mary le Strand.

**1396 John Giffard, clerk ;**

appears in Ireland 1377 ; was then in the employment of the crown ; received presentation to a church in the diocese of Cloyne 1382 ; appears in Ulster on crown business 1383 ; received presentation to church of Lawford in Warwickshire 1386 ; became chief justice of the Common Bench 1396 ; was superseded a few days later.



**1396 John Fitzadam ;**

was a member of an Irish family ; appears in England 1379–83, and in Ireland from 1383 ; acted on a commission concerning Dublin Castle 1384 ; went to England to study law 1392 ; appears as chief justice of the Bench 1396–1419.

**1396 John Bateman, clerk ;**

was of Irish birth ; acted as an attorney in Ireland 1391, 1393 ; appears probably in England 1394 ; was then described as a chaplain and believed to be with the captain of Guines Castle ; appears as a justice of the Common Bench 1396 ; acted also as chirographer and keeper of the rolls of the common bench ; held both offices until 1434.

**1397 William Tynbegh, clerk ;**

derived his patronymic from Tenby in Wales ; was born in Ireland ; received licence to go to England to study law 1392 ; appears in Ireland as chief justice of the King's Bench 1396, and chief baron of the Exchequer 1397 ; became the king's attorney 1400 ; was reappointed chief baron 1405 ; received commission as a justice in the counties of Dublin, Meath, Louth, Kildare, and Carlow 1412 ; reappears as chief baron 1417 ; became chief justice of the Common Bench 1419 ; appears as treasurer of Ireland 1421 ; was reappointed chief justice of the Common Bench 1424 ; retired or died in that year.

**1397 Stephen Bray ;**

was possibly a son of the former Stephen Bray ; appears in Ireland as chief justice of the King's Bench 1397 ; was superseded 1404 ; was reappointed 1406 ; was superseded 1426 ; resumed office 1429 ; retired 1435 ; died in 1441.

**1397 Robert de Braybrok, bishop of London ;**

was son of Sir Gerard de Braybrok of Braybrok Castle in Northamptonshire ; studied law at Oxford ; was given much ecclesiastical preferment ; became bishop of London 1381 ; was appointed chancellor of England 1382 ; resigned 1383 ; visited Ireland while Richard II was there 1394 ; became chancellor of Ireland 1397 ; was superseded in six months ; died 1404 ; was buried in St. Paul's Cathedral. [Dict. Nat. Biog. ; Foss's Judges.]

**1398 Thomas Cranley, archbishop of Dublin ;**

appears at Oxford as a fellow of Merton College 1366 ; was nominated as warden of St. Mary College at Winchester 1382 ; became principal of Hart Hall in Oxford 1384, and warden of New College 1389 ; appears as parson of Havant near Winchester 1390 ; became chancellor of Oxford University same year ; was collated a prebendary of York 1395 ; became parson of Bishopsbourne 1396 ; was made archbishop of Dublin 1397 ; became chancellor 1398 ; went on an embassy to Rome for the English church same year ; was superseded as chancellor 1399 ; was reappointed 1401 ; waited on the king as to the state of Ireland same year ; assigned office of chancellor to a deputy owing to severe illness 1402, and owing to other employment 1404 ; was superseded as chancellor 1406 ; received leave to visit Rome same year ; became again chancellor 1413 ; was superseded 1414 ; acted as justiciar same year ; addressed the king then in Latin verse ; acted as deputy justiciar 1416 ; appears in England at Faringdon in Berkshire 1417 ; died there then ; was buried at Oxford in the chapel of New College. [Dict. Nat. Biog. ; Ware's Bishops.]

**1398 John de Kirkeby, clerk ;**

was a master of Oxford University ; became a clerk in the English chancery ; was presented to many churches ; went to Ireland with Thomas, Lord de Despenser 1394 ; was given an annuity for his good service in going to Ireland and staying in the chancery there 1397 ; visited England 1398 ; was appointed then keeper of the rolls of the Irish chancery ; acted afterwards as deputy chancellor ; returned to England 1400 ; accompanied the king to Scotland ; was again in Ireland 1404 ; appears as archdeacon of Carlisle 1418.

**1399 Richard Rede ;**

was a member of a Meath family ; appears in England 1394 ; acted then on a commission in Kent ; appears in Ireland 1396-8 ; reappears in England 1399 ; returned to Ireland as chief baron of the Exchequer ; married, during her minority, Elizabeth, daughter and heiress of Richard Netterville of Dowth in co. Louth ; acted as trustee for Robert de Braybrok, bishop of London, 1404 ; was appointed chief justice of the King's Bench same year ; was superseded

1406 ; obtained then permission to live in England ; appears as a commissioner in Middlesex 1407 ; returned to Ireland 1408 ; acted there as deputy treasurer 1413.

**1399 Hugh de Faryngton, clerk ;**

was a kinsman of Robert de Faryngton ; appears as parson of Bebington in Cheshire 1381 ; was then a king's clerk ; became treasurer of Salisbury Cathedral 1386 ; held a benefice in Lincoln diocese 1390 ; went to Ireland with his kinsman 1398 ; was appointed baron of the Exchequer 1399.

**1402 Richard Sydgrave ;**

was a member of a Meath family ; held office as clerk of the hanaper prior to 1399 ; appears as a baron of the Exchequer 1402 ; acted as custodian of the see of Armagh 1404 ; was advanced to place of chief baron 1423 ; acted then as deputy chancellor ; retired or died 1425.

**1402 John Bermingham ;**

was a member of the Anglo-Irish family ennobled under the titles of Athenry and Louth ; appears in Ireland as the king's advocate 1388 ; obtained permission to go to England to study law 1392 ; became second justice of the King's Bench 1402 ; was raised to the chief seat, but does not appear to have taken it 1407 ; died in 1415.

**1404 John Radcliff ;**

was son of James Radcliff of Radeliffe in Lancashire ; went to Ireland as secretary to Thomas of Lancaster, afterwards Duke of Clarence 1402 ; was appointed second baron of the Exchequer 1404.

**1405 Thomas Seys, clerk ;**

appears as a justice of the Common Bench 1405-28 ; was styled clerk ; had by his wife Janet, a son John, who succeeded him on the Common Bench, and a daughter Janet, who married John Arthur of Crumlin near Dublin.

**1406 Laurence Merbury, knight ;**

was son of Thomas Merbury of Merbury in Cheshire ; appears as retained for life by the king 1399 ; was granted then annuity from the customs of Drogheda ; received licence to have it sent to him in England 1400 ; was styled then chevalier ;

went to Ireland as treasurer 1401; visited England 1403; became chancellor 1406; was superseded 1410; acted as sheriff of Cheshire 1412; appears in Ireland again as treasurer 1414; was reappointed chancellor also same year; travelled through Ireland to administer justice 1415-16; went to England 1420; was reappointed chancellor 1422 and was superseded finally 1423.

**1410 Patrick Barret, bishop of Ferns;**

appears as a canon of the Augustinian priory of Kells in co. Kilkenny; was consecrated bishop of Ferns at Rome 1401; treated with enemies, as well English as Irish, of the king in cos. Wexford, Kilkenny, and Carlow 1403; appears as builder of a castle at Mountgaret in co. Wexford 1409; became then a justice and keeper of the peace in that county; received subsequently a licence of absence for two years; became chancellor 1410; appears suppressing rebellion in co. Wexford 1412; was then represented as chancellor by deputy; was superseded as chancellor 1413; died 1415; was buried in priory of Kells. [Dict. Nat. Biog.; Ware's Bishops; Hore's Wexford, vi. 209.]

**1413 James Fitzwilliam;**

was son of Hugh Fitzwilliam and an ancestor of the Viscounts Fitzwilliam, now represented by the Earl of Pembroke; appears as owner of lands in co. Dublin near Swords; married a daughter of Sir John Cruise of Merriion in the same county; became, through her, owner of Merriion; appears as chief baron 1413; was superseded 1417; died about 1420.

**1415 John Gland;**

appears as a baron of the Exchequer.

**1416 Roger Hawkenshaw;**

was a member of a family resident in Ireland; became second justice of the King's Bench 1416; acted as deputy for the chancellor same year; died in or before 1434.

**1419 John Wyche;**

appears going to Ireland in the train of Lord Furnival, afterwards Earl of Shrewsbury 1416; became second baron of the Exchequer 1419; was reappointed as a baron 1430.



**1419 James Uriell ;**

was son of Thomas Uriell, a landowner in co. Dublin; appears in Ireland as the king's serjeant-at-law 1406; was appointed chief baron 1419; vacated that office 1420; died in or before 1423.

**1420 James Cornwalsh ;**

derived his patronymic, which was originally spelled Cornwaill, from Cornwall; was probably descended from Sir John de Cornwaill, constable of the castle of Carlow, in the reign of Edward III, and son of William Cornwalsh; appears as a justice of the peace for cos. Wexford and Waterford and deputy admiral of Ireland; became chief baron of the Exchequer 1420; was superseded 1423; visited England 1425; resumed office as chief baron 1426; visited England again 1430; resided at Dunboyne in co. Meath; was killed in the castle of Bagotrath near Dublin 1441; married Mariana Rochfort and left a son John who succeeded him as chief baron. [County Dublin, ii. 44, and Pembroke Township, p. 17.]

**1420 John Blakeney ;**

was a member of a Dublin family; acted as justice of assize in cos. Dublin, Meath, Louth, Kildare, and Carlow 1413; became chief justice of the Common Bench 1420; was superseded 1424; was reappointed same year; was superseded again 1428; reappears in the chief seat 1430; retired or died 1438.

**1420 Richard Bermingham ;**

was probably a relation of John Bermingham; became second baron of the Exchequer 1420.

**1420 William Fitzthomas, prior of the Hospitallers in Ireland ;**

appears as prior 1420; was appointed chancellor 1421; was superseded 1422; appears as justiciar; was reappointed as chancellor 1426; was again superseded same year; had ceased to be prior 1438.

**1422 John Lydington, clerk ;**

appears as chaplain of Bennetsbridge in co. Kilkenny 1419; was appointed a baron of the Exchequer 1422.



**1422 William Yonge, clerk ;**

appears as archdeacon of Meath 1412 ; was appointed chancellor 1422 ; was superseded same year.

**1423 Richard Talbot, archbishop of Dublin ;**

was a younger son of Richard, Lord Talbot, and brother of John, Earl of Shrewsbury ; appears as a prebendary of Hereford and York ; became dean of Chichester 1415 ; was elected archbishop of Armagh, but was not confirmed in that see 1416 ; became archbishop of Dublin 1417 ; acted as deputy for his brother in the office of lieutenant 1419 and as justiciar 1420, 1422-3 ; was appointed chancellor 1423 ; was superseded and reappointed 1426 ; was superseded 1430 ; acted as justiciar or deputy 1430-1, 1435-8 ; was reappointed chancellor 1442 ; was superseded 1443 ; acted as justiciar 1444-6 and as deputy lieutenant 1447-9 ; died 1449 ; was buried in Dublin in St. Patrick's Cathedral. [Ware's Bishops.]

**1424 Reginald Snyterby ;**

was a member of the same family as Nicholas de Snyterby ; was appointed second baron of the Exchequer 1424 ; died in or before 1436 ; left an only child Joan who married John Bennet, sometime mayor of Dublin.

**1425 Francis Toppesfeld ;**

appears as controller of the household of Thomas of Lancaster with the style of king's esquire ; owned probably through his wife property in Ireland ; became a baron of the Exchequer 1425.

**1426 Henry Fortescue ;**

was eldest brother of Sir John Fortescue, chief justice of the English King's Bench ; became a student of Lincoln's Inn ; was elected knight of the shire for Devon 1421 ; went to Ireland as chief justice of the King's Bench 1426 ; visited England twice on missions to the king ; was superseded 1429 ; became sheriff of Devon 1453 ; married firstly the daughter and heiress of Edmund Boyun and secondly the daughter and heiress of Nicholas Fallapit. [Dict. Nat. Biog.]

**1426 Richard Fitzeustace, knight ;**

was son of Maurice Fitzeustace, an ancestor of the Lord of Portlester ; appears as husband of Katherine Preston

1421 ; was then styled knight ; became chancellor 1426 ; was superseded same year ; appears as a commissioner of the muster 1436.

**1428 James Alleyn, knight ;**

appears as a landowner in co. Meath ; became a justice of the liberty of Ulster 1425 ; was then styled knight ; visited England with Chief Justice Fortescue 1428 ; became then chief justice of the Common Bench ; was superseded 1430 ; became chief justice of the King's Bench 1447 ; retired or died 1457.

**1430 Thomas Chace, clerk ;**

appears as warden of the hospital of St. Bartholomew near Rye 1420 and of the free chapel of Jesmond in Northumberland 1421 ; became chancellor of the University of Oxford 1426 ; went to Ireland as chancellor 1430 ; visited England 1438 ; was superseded 1441 ; became a prebendary of Bridgenorth and parson of High Ongar in Essex ; died 1449.

**1430 William Sutton, clerk ;**

was probably a nephew of Robert Sutton ; appears as clerk of the common pleas of the exchequer 1404, and chief engrosser of the exchequer 1410 ; visited England 1423 ; obtained then confirmation in office of keeper of the rolls in chancery for Robert Sutton, and of position of deputy for himself ; was appointed keeper 1430 ; retired or died 1437.

**1431 Thomas Shortalls ;**

was a member of a Kilkenny family ; appears as clerk of Dublin 1406, and as bailiff of Dublin 1406, 1414, 1424 ; was appointed a baron of the Exchequer 1431 ; appears as second baron 1435 ; died 1445. (Graves and Prim's Cath. of St. Canice, p. 165.]

**1434 Christopher Barnewall ;**

was son of Nicholas Barnewall of Crickstown in co. Meath, and ancestor of the Lords Trimleston ; appears in Ireland as the king's serjeant-at-law 1423 ; was appointed second justice of the King's Bench 1434, and was promoted to position of chief justice 1435 ; acted as deputy treasurer 1436 ; reappointed chief justice in 1437 ; died 1446.

**1435 William Chevir ;**

was son of John Chevir, a member of a Kilkenny family and a justice of the peace in cos. Wexford and Waterford; was appointed second justice of the King's Bench 1435; acted as deputy treasurer 1442; appears also as deputy chancellor; died 1446.

**1435 John Seys, clerk ;**

was son of Thomas Seys; appears as owner of lands in co. Meath 1415; was acting as clerk to Chief Justice Blakeney 1434; became a justice of the Common Bench 1435; was represented by his sister 1472.

**1436 William Baldwyn ;**

appears as a summonister of the exchequer 1423 and controller of the customs of Dublin 1424; acted as a justice assigned 1435; became a justice of the Common Bench 1436.

**1437 William Boys ;**

appears as chief justice of the King's Bench 1437.

**1437 Robert Dyke, clerk ;**

appears in England 1419; was granted then office of chancellor of the exchequer in Ireland with power to appoint a deputy; became a prebendary of Bridgenorth 1422; appears as archdeacon of Dublin 1431; became parson of Trim 1434; was appointed keeper of the rolls of chancery 1437; acted as deputy chancellor 1447; retired or died 1449.

**1438 Thomas Derby, clerk ;**

appears as second baron of the Exchequer 1438.

**1438 Peter Clynton ;**

appears as a baron of the Exchequer 1438; was acting as a collector of revenue in Drogheda and other ports 1442.

**1438 Robert Dowdall, knight ;**

was son of Luke Dowdall, a member of a Louth family known originally as Dovedale; appears in Ireland as the king's serjeant-at-law 1435; was appointed chief justice of the Common Bench 1438; obtained a new patent for life 1441; married Anne, daughter and co-heiress of John Wogan of Rathcoffy in co. Kildare, then a widow 1454;

acted as deputy treasurer 1461 ; was then styled knight ; sustained an assault at the hands of the prior of the Hospitallers 1462 ; appears as holding under the Hospitallers the manor of Clontarf near Dublin ; became a companion of the brotherhood of St. George 1472 ; died 1482.

**1439 John Bateman ;**

was probably a son of the former John Bateman ; succeeded him as chirographer and keeper of the rolls of the common bench 1436 ; was appointed a justice of the common bench 1439.

**1441 Richard Wogan, clerk ;**

appears in Ireland in the employment of the crown 1441 ; was styled master ; became then chancellor ; received a pardon for all transgressions committed by him in Ireland ; was indicted by the Earl of Ormond for treason 1442 ; visited England and obtained another pardon ; was then superseded ; went to Bayonne with two hundred persons for its defence ; was reappointed chancellor with power to act by deputy 1443 ; was again superseded 1446.

**1441 John Cornwalsh, knight ;**

was son of James Cornwalsh ; appears in London residing at the Tower Hill 1434 ; returned to Ireland and was fighting in Ossory 1441 ; was appointed then by an Irish patent chief baron ; had long conflict with another claimant for the office ; was confirmed in it 1446 ; married Maud, daughter of Richard Talbot of Malahide in co. Dublin ; acted as a justice of the Common Bench 1466 ; was then styled knight ; resided at Dardistown in co. Meath ; retired or died 1472.

**1441 Michael Gryffin ;**

appears with the style of gentleman 1441 ; received an English patent at the time Sir John Cornwalsh received an Irish one for the office of chief baron ; was found to have obtained the patent surreptitiously and illegally 1446, and was accused of divers offences 1447 ; appears on a commission of oyer and terminer whose proceedings were annulled 1449 ; was exonerated from answering for his alleged offences 1454 ; died before 1468.

**1443 John Gough ;**

appears as counsel for the city of Waterford ; had rendered good service to the crown prior to 1442 ; received then a grant of the reversion of the second chamberlainship of the exchequer ; was appointed second baron of the exchequer 1443 ; was still acting 1467.

**1445 William Sutton ;**

was son of Roger Sutton of St. Werburgh's-street in Dublin ; appears in Ireland as the king's attorney ; was appointed third baron of the Exchequer 1445 ; rendered service to the Duke of York ; petitioned Parliament for discharge of arrears of salary 1462 ; was then apprehensive of being superseded ; was still acting as baron 1477 ; died in or before 1480 ; bequeathed all his lands and nine pounds of silver to the priory of the Holy Trinity in Dublin ; married Alison Darby and had a son Nicholas who was also a baron of the Exchequer.

**1446 John Talbot, knight ;**

was eldest son of John, Earl of Shrewsbury ; then lieutenant of Ireland, and was nephew of Archbishop Richard Talbot ; served in the army in France 1434, 1442 ; was appointed chancellor 1446 ; acted by deputy ; succeeded as second Earl of Shrewsbury 1453 ; became treasurer of England 1456 ; was killed in the battle of Northampton 1460. [Dict. Nat. Biog.]

**1446 Richard Bye ;**

became chief justice of the King's Bench 1446 ; was superseded 1447.

**1447 Robert Plunket ;**

was a son of Sir Christopher Plunket, Lord of Killeen and an ancestor of the Lords Dunsany ; became chief justice of the King's Bench 1447 ; died same year.

**1447 Edward Somerton ;**

appears as a fellow of Lincoln's Inn 1427 ; was acting in Ireland as the king's serjeant-at-law 1438 ; appears as counsel for the city of Waterford ; was appointed second justice of the King's Bench 1447 ; proposed to found a chantry in Dublin in St. Nicholas's Church 1458 ; retired or died 1461.



**1450 John Chevir ;**

was brother of William Chevir ; appears as a member of Lincoln's Inn, and acting in London as counsel for the Earl of Ormond 1442 ; returned to Ireland before 1450 ; was appointed then keeper of the rolls in chancery ; appears also as speaker of the house of commons at that time ; was appointed jointly with Sir Thomas Plunket chief justice of the King's Bench 1468 ; became soon sole chief justice ; died 1474 ; married Anne Bermingham, who survived him. [Falkiner's Essays, p. 224.]

**1457 Nicholas Barnewall, knight ;**

was eldest son of Christopher Barnewall ; became chief justice of the King's Bench 1457 ; received the honour of knighthood 1460 ; was superseded 1461 ; was reappointed same year ; retired in or before 1463 ; married Ismay, daughter and co-heiress of Sir John Serjeant of Castleknock near Dublin ; was alive 1465.

**1460 Edmund Plantagenet, Earl of Rutland ;**

was second surviving son of Richard, Duke of York, then lieutenant of Ireland ; was born 1443 ; became chancellor 1460 ; was killed with his father in battle of Wakefield same year ; was buried at Fotheringay.

**1460 John Dinham, Lord Dinham ;**

was son of John, Lord Dinham ; succeeded his father 1458 ; took part in the Wars of the Roses ; became chancellor 1460 ; was superseded 1461 ; appears as sheriff of Devon and keeper of Dartmoor Forest ; acted as treasurer in England 1486 ; became a knight of the garter ; died 1501 ; married three times but had not issue.

**1461 Patrick Cogley, clerk ;**

appears in Ireland as keeper of the rolls in chancery 1461 ; became clerk of the crown same year ; held also chief chamberlainship of the exchequer ; acted as clerk of parliament 1468.

**1461 Thomas Plunket, knight ;**

was brother of Robert Plunket ; appears in Ireland as the king's serjeant-at-law 1435 ; was appointed to levy subsidy in co. Meath 1447 ; appears as a justice of assize 1450 ; supervised the working of mines same year ; was engaged

in the defence of co. Meath 1456 ; obtained leave to go to England with the Duke of York 1460 ; was knighted same year ; became chief justice of the King's Bench 1461 ; was displaced for a time by the reappointment of Sir Nicholas Barnewall ; resumed before 1463 ; had his successor associated with him 1468 ; died in or before 1471 ; married firstly Janet Cusake, secondly Marian Cruise.

**1461 Barnaby Barnewall ;**

was a kinsman of Sir Nicholas Barnewall and was described as of Stackallen ; appears in London studying law 1460 ; was appointed second justice of the King's Bench 1461 ; raised men-at-arms in co. Meath 1465 ; joined with the Earl of Worcester in founding a chantry in co. Meath in Dunshaughlin church 1468 ; became a companion of the brotherhood of St. George 1472 ; was appointed a collector of the ports of Dublin and Drogheda 1473 ; received a pardon for accepting the pretensions of Lambert Simnel 1488 ; died 1493 ; married Margaret, daughter of Sir Thomas Plunket.

**1461 John Beg ;**

was described as of Drogheda ; became a justice of the King's Bench 1461.

**1461 William Welles, knight ;**

was brother of Lionel, Lord Welles, sometime lieutenant of Ireland ; appears as his deputy 1460, and official of liberty of Meath 1447 ; took part in a military expedition to Ulster ; appears with style of knight 1449 ; was said to have laboured in the wars of the king by command of the Duke of York 1450 ; became deputy chancellor of Ireland 1454 ; supervised the defence of co. Meath 1456 ; was styled the king's servant 1461 ; became then chancellor ; was granted also office of chief butler in Ireland ; owned Posseckstown in co. Meath ; died 1463 ; left a widow and a son.

**1461 Peter Trevers ;**

was a member of the same family as John de Tryvers ; appears as owner of Baldongan in co. Dublin ; was then serjeant-at-law to the king ; obtained leave to accompany the Duke of York to England 1460 ; was appointed keeper of the rolls in chancery 1461 ; appears raising men for the

defence of co. Dublin 1465 ; died in or before 1468 ; married Elizabeth Holywode.

**1462 Thomas Baryngton ;**

was son of John Baryngton of Essex ; appears as owner of property in co. Meath, probably through his wife 1445 ; served as sheriff of Essex 1452 ; rendered service to the Duke of York and Edward IV ; appears in Ireland at Trim 1462 ; was appointed then second baron of the Exchequer ; claimed property in Hertfordshire 1464.

**1464 Thomas Fitzgerald, Earl of Kildare ;**

was son of John, 6th Earl of Kildare ; succeeded to the title 1427 ; acted as justiciar or deputy lieutenant 1454–62, and deputy of the deputy lieutenant 1464 ; became chancellor by an Irish patent 1464 ; suffered attainder 1468 ; was soon restored to favour ; acted as justiciar 1470–1, as deputy lieutenant 1471–4, and as justiciar 1477–8 ; established the brotherhood of St. George ; died 1478 ; was buried in All Hallows Priory, near Dublin ; married Joan, daughter of James, Earl of Desmond, and left issue. [Dict. Nat. Biog. He was sometimes called Fitzmaurice.]

**1464 John Tiptoft, Earl of Worcester ;**

was son of John, Lord Tiptoft ; succeeded his father 1443 ; was educated at Oxford ; became Earl of Worcester 1449 ; held many offices including those of constable of England and lord steward ; became connected with Ireland under an English patent as chancellor 1464 ; acted as deputy lieutenant 1467–70, and as lieutenant 1470 ; founded a chantry in co. Meath in Dunshaughlin church ; was attainted and executed 1470 ; was twice married and left issue. [Dict. Nat. Biog.]

**1469 Nicholas Whyte ;**

appears as a resident in Drogheda 1469 ; was appointed then third baron of the Exchequer ; appears in that office 1484–6 and 1491 ; was appointed a baron 1494 ; described then as of Flemington in co. Meath.

**1471 Thomas Dowdall ;**

was son of Sir Robert Dowdall ; appears in Lincoln's Inn 1459 ; returned to Ireland ; was appointed the king's serjeant-at-law 1462 ; became keeper of the rolls in

chancery 1471 ; was summoned to England by the king 1479 ; received a pardon for accepting the pretensions of Lambert Simnel 1488.

**1472 Roland Fitzeustace, Lord Portlester ;**

was son of Sir Edward Fitzeustace, sometime deputy lieutenant of Ireland ; became treasurer of Ireland 1454 ; was created a peer for his services to the Duke of York and Edward IV in both England and Ireland 1462 ; acted as deputy lieutenant same year ; was accused of treasonable designs, but exonerated ; appears as chancellor 1472 ; became a companion of the brotherhood of St. George same year ; was superseded as chancellor 1474 ; was reappointed 1476 and superseded 1478 ; received confirmation of his office of treasurer from Henry VII, 1485 ; became again chancellor 1486 ; founded Franciscan convent known as New Abbey near Kilcullen in co. Kildare ; received a pardon for accepting the pretensions of Lambert Simnel 1488 ; was removed from the office of treasurer (after thirty-eight years' service), and from that of chancellor 1492 ; was threatened with hostile inquiry into his accounts 1493 ; died 1494 ; was buried in New Abbey ; married firstly Elizabeth daughter of John Brune, secondly Margaret daughter of Jenico d'Artois and widow of John Dowdall. [Dict. Nat. Biog., under Eustace.]

**1472 Thomas Talbot ;**

was son of Richard Talbot, lord of Malahide, in co. Dublin ; appears in the possession of Malahide 1469 ; was appointed a justice of the Common Bench 1472 ; died in or before 1489 ; married twice, firstly a lady called Somerton, secondly a lady called Bulkeley, and left issue.

**1473 Nicholas Sutton, clerk ;**

was son of William Sutton the second ; appears as attorney to the king 1473 ; was then appointed for life second baron of the Exchequer ; was reappointed 1478 ; died same year ; was buried in Dublin in St. Werburgh's church ; married Anne Cusake and left issue.

**1473 Thomas Bathe, knight ;**

was a member of a family seated in co. Meath ; appears in London 1439 ; was committed for ill conversation and behaviour to the prison of Ludgate ; was released by his brother ; obtained afterwards grant of the office of escheator



in Ireland ; appears with the style of knight ; claimed the title of Lord of Louth and the right to be summoned to parliament ; was deprived of his estates for absence from Ireland and other causes 1460 ; obtained restoration of his estates 1472 ; was appointed chief baron 1473 ; was superseded or died 1478.

**1474 Philip Bermingham ;**

was probably a descendant of John Bermingham ; appears as a follower of the Earl of Ormond ; was adjudged traitor but pardoned 1462 ; was acting in Ireland as the king's serjeant-at-law 1463 ; was appointed chief justice of the Common Bench, but does not appear to have taken office 1464 ; joined with the Earl of Worcester in founding a chantry in co. Meath in Dunshaughlin Church 1468 ; held demesne of Cruisetown in co. Louth 1472 ; became chief justice of the King's Bench 1474 ; was pardoned for accepting the pretensions of Lambert Simnel 1488 ; died 1490 ; was buried in Dublin in the lady chapel of Christ Church Cathedral.

**1474 Gilbert Debenham, knight ;**

was son of Gilbert Debenham of Wenham Little in Suffolk ; obtained office of clerk of the market to the king 1461 ; was employed to seize a ship for service in the fleet 1469 ; married Katherine, widow of Sir William Zouch in or before 1469 ; was styled then knight ; claimed property belonging to his wife after her death 1472 ; was described as one of the king's carvers ; came to Ireland as chancellor 1474 ; was given also office of steward of the liberty of Meath ; brought with him to Ireland four hundred archers ; reappears in England as a prisoner in the London Marshalsea 1476, and as a justice of the peace in Suffolk 1478 ; bore the banner of St. Edward at the funeral of Edward IV, 1483 ; received a pardon 1488 ; obtained office of keeper of mines in Ireland and of constable of the castle of Carrickfergus 1491 ; was attainted 1495 ; received another pardon 1499 ; died in or before 1501.

**1478 Richard Martyn, afterwards bishop of St. Davids ;**

appears as archdeacon of London 1469 ; was employed on embassies abroad ; became a master in chancery ; was possibly made bishop of Waterford and Lismore 1472, and superseded 1475 ; was described as the king's chaplain



and councillor 1478; became then connected with Ireland as chancellor; was superseded 1479; became bishop of St. David's 1482; died 1483. [Dict. Nat. Biog.]

**1478 Thomas Archbold;**

was of Irish birth (see William Archbold); appears in Ireland travelling nearly forty times from Dublin to Meath to receive a debt 1465; was the king's attorney and master of the mint 1478; became then second baron of the Exchequer for life; was superseded same year; became deputy keeper of the rolls 1479; reappears as second baron 1488; was pardoned then for accepting the pretensions of Lambert Simnel.

**1478 Henry Duffe;**

was descended from early settlers in Ireland and was described as of Drogheda; appears with his wife, Katherine, in the possession of Staunton in co. Meath 1469; became serjeant-at-law to the king 1471; obtained office of controller of customs in Dublin and Drogheda 1476; was appointed chief baron of the Exchequer 1478; became second justice of the Common Bench 1479; was pardoned for accepting the pretensions of Lambert Simnel 1488.

**1478 John Burnell;**

was a descendant of Robert Burnell, and was described as of Balgriffin; became second baron of the Exchequer for life 1478; was appointed deputy chief baron 1482, and joint chief baron 1491.

**1478 Patrick Burnell;**

was probably nearly related to John Burnell; appears as a clerk in the exchequer 1467; was produced as a witness in the English chancery 1477; became third baron of the Exchequer 1478; married Anne Cusake, the widow of his predecessor, Nicholas Sutton, 1479; was appointed chief chamberlain as well as baron of the Exchequer 1484; received a pardon for accepting the pretensions of Lambert Simnel 1488; died in or before 1491.

**1479 William Sherwood, bishop of Meath;**

appears as bishop of Meath 1460; acted as deputy lieutenant 1462-3, 1475-7; was appointed chancellor of Ireland

1479; died 1482; was buried in co. Meath at Newtown Abbey near Trim. [Dict. Nat. Biog.; Ware's Bishops.]

**1479 John Danston ;**

appears as a justice of the King's Bench 1479.

**1480 Thomas Plunket ;**

was son of Robert Plunket and nephew of Sir Thomas Plunket; appears as owner of Dunsoghly Castle near Dublin 1480; was appointed then chief baron of the Exchequer; became chief justice of the Common Bench 1482; was foremost in the rising on behalf of Lambert Simnel 1488; received a pardon; joined in the rising on behalf of Perkin Warbeck 1492; was deprived then of his office and fined; was reappointed as chief justice of the Common Bench 1498; acted jointly with his successor 1514; retired 1515; died 1519; married twice, firstly Janet Finglas, secondly Helen Strangwick, and left issue. [County Dublin, vi. 64.]

**1482 Oliver Fitzeustace ;**

was son of Roland Fitzeustace, Lord Portlester; became chief baron of the Exchequer with power to appoint a deputy 1482; was installed but not sworn; received a pardon for accepting the pretensions of Lambert Simnel 1488; was reappointed chief baron jointly with John Burnell 1491.

**1482 Walter Champfleur, abbot of St. Mary's Abbey in Dublin ;**

appears as abbot 1467; became chancellor 1482; was superseded 1483; received a pardon for accepting the pretensions of Lambert Simnel 1488; died 1497.

**1483 Robert St. Lawrence, Lord Howth ;**

was son of Christopher, Lord Howth; acted as sheriff of co. Dublin 1456; succeeded to title 1462; became a companion of the brotherhood of St. George 1472; married Alice, daughter of Nicholas White of Killester near Howth; visited England after her death 1475; married there as his second wife, Joan, daughter of Edmund Beaufort, Duke of Somerset; became chancellor of the exchequer

1478 ; held also office of clerk of the common pleas ; visited England again 1481 ; became chancellor 1483 ; was superseded in a few months ; went to England 1486 ; died in London 1487 ; was buried there in the church of the Black Friars. [Dict. Nat. Biog. ; County Dublin, v. 52.]

**1483 Thomas Fitzgerald, knight ;**

was brother of Gerald, Earl of Kildare, then deputy of Ireland ; resided at Lackagh in co. Kildare ; appears as chancellor 1483 ; was prominent in the rising on behalf of Lambert Simnel 1487 ; resigned office of chancellor and became a leader in the expeditionary force ; was slain in the battle of Stoke ; married Elizabeth Preston, daughter of Robert Viscount Gormanston, and had issue.

**1487 John Estrete ;**

was son of John Estrete ; received a pardon issued at Westminster 1478 ; appears in Ireland as the king's serjeant same year ; founded a chantry in the priory of the Holy Trinity, now Christ Church Cathedral 1485 ; visited England and was received by the king 1486 ; became deputy chief baron of the Exchequer 1487 ; was stated by the king to have performed service worthy of reward 1489.

**1490 Thomas Cusake ;**

was a cadet of the noble Meath family to which Walter Cusake belonged ; proposed " to labour, study, and ground himself at London in the king's law," 1472 ; was given then permission to take grain from Ireland ; appears in Ireland as the king's attorney 1480 ; was pardoned for accepting the pretensions of Lambert Simnel 1488 ; became chief justice of the King's Bench 1490 ; was superseded 1494.

**1491 Edward Golding ;**

appears as a resident in co. Meath at Blackcastle 1491 ; was appointed then a baron of the Exchequer ; received also office of chief chamberlain ; became collector of the port of Drogheda 1504 ; was then described as of Piercetown in co. Meath ; had a son Richard who became chief baron.

**1492 Alexander Plunket, knight ;**

was son of Sir Thomas Plunket ; appears as a leader in the Pale and a companion of the brotherhood of St. George 1472 ; was sheriff of Meath 1480 ; resided then at Balrath ; accompanied the archbishop of Dublin and the Earl of Kildare to an audience with Edward IV, 1479 ; received a letter acknowledging his services to the house of York from Richard III 1484 ; appears as a councillor of Henry VII 1492 ; was appointed then chancellor ; was superseded 1494 ; died 1503 ; is said to have married three times, his wives being daughters of the noble houses of Marward, Butler, and Fitzgerald.

**1492 Thomas Butler ;**

was a kin to the Earls of Ormond ; appears as groom of the king's chamber and husband of Agnes, late nurse of the king's children, 1478 ; became then bailiff of the lordship of Solihull in Warwickshire ; was appointed keeper of the rolls of the Irish chancery 1492 ; became bailiff of the manor of Yardley in Worcestershire 1493 ; was superseded as keeper of the rolls 1496.

**1492 John Wyse ;**

was a member of a family identified with Waterford from the time of the Anglo-Norman settlement ; became chief baron of the Exchequer 1492 ; was superseded 1494 ; went to Munster on a mission concerning the Earl of Desmond 1495 ; was forced to fly from that province on the second landing of Perkin Warbeck ; appears as a justice specially assigned to Kilkenny 1499.

**1493 Clement Fitzleones ;**

appears in Ireland as deputy chief baron of the Exchequer 1493 ; was acting as the king's attorney in Ireland 1502, and as the king's serjeant 1505.

**1494 Nicholas Turner ;**

was appointed in England second justice of the Irish Common Bench 1494 ; appears in Dublin taking oath of office later in that year.

**1494 Thomas Bowring ;**

was a landowner in Devonshire and appears acting as a commissioner there 1481-7 ; went to Ireland as chief



justice of the King's Bench 1494; became chief justice of the Common Bench 1496; reappears as a commissioner in Devonshire 1497.

**1494 John Topcliffe ;**

was a member of a family then seated in Lincolnshire and Yorkshire and deriving its name from Topcliffe in the latter shire; appears as proctor of law; went to Ireland as chief justice of the Common Bench 1494; appears acting as chief baron of the Exchequer 1496; became chief justice of the King's Bench later in that year; obtained fresh patents for that place 1499, 1504, 1511; received a present from the king 1510; retired or died 1513. [Harleian Society, xxxii. 290.]

**1494 Walter Ivers ;**

appears also as Evers and Yvers; acted in Dublin as arbitrator 1485; was then described as a lawyer; became chancellor of the exchequer 1487; was appointed chief baron 1494; was superseded 1496.

**1494 Henry Deane, afterwards archbishop of Canterbury ;**

appears as prior of Llanthony 1461; was employed after accession of Henry VII about affairs of state; became a member of the council; was elected bishop of Bangor 1494; went to Ireland as chancellor same year; became also deputy lieutenant 1496; surrendered both offices later in that year; was consecrated bishop of Bangor and translated to Salisbury 1500 and to Canterbury 1501; acted as keeper of the great seal of England 1500-2; died at Lambeth 1503; was buried in Canterbury Cathedral. [Dict. Nat. Biog.; Foss's Judges; Mary Deane's Book of Dene.]

**1496 Walter Fitzsimons, archbishop of Dublin ;**

was son of Robert Fitzsimons and Janet Cusake and was a native of Dublin; appears as precentor of St. Patrick's Cathedral 1476; became archbishop of Dublin 1484; accepted the pretensions of Lambert Simnel 1487; was prominent in the expiatory ceremony of the following year; became deputy lieutenant 1492; convened the Irish parliament 1493; went to England to report to the king at the close of that year; became highly privileged at court;



was appointed chancellor soon after his return from England 1496; became again deputy lieutenant 1503; went once more to England to report to the king 1504; took part then in the proceedings of the English council; returned to Ireland with high commendation from the king; died near Dublin at Finglas 1511; was buried in Dublin in St. Patrick's Cathedral. [Dict. Nat. Biog.; Ware's Bishops.]

**1496 John Payne, bishop of Meath;**

appears as a member of the Dominican order; studied at Oxford; became a doctor of theology; was acting as provincial prior of his order in England 1483; went then to Ireland as bishop of Meath; accepted the pretensions of Lambert Simnel and preached at his coronation 1487; was foremost afterwards in seeking pardon; is said to have become a violent opponent of the Earl of Kildare and to have had an altercation with him in the presence of the king; was appointed keeper of the rolls 1496; died 1506; was buried in Dublin in the Dominican Priory. [Dict. Nat. Biog.; Ware's Bishops.]

**1496 Walter St. Lawrence;**

was brother of Robert, Lord Howth; appears as counsel for the king 1491; became the king's attorney same year; was active in the defence of Dublin at the time of Perkin Warbeck's second landing 1495; became chief baron of the Exchequer 1496; died 1504. [County Dublin, v. 59.]

**1499 James Dillon;**

was described first as of Monktown and afterwards as of Riverston in co. Meath; appears as a clerk in the exchequer 1479; was acting as receiver-general of the king's lands in Ireland 1495; became chief remembrancer 1496; was appointed first baron 1499; died in or before 1507; married Elizabeth, daughter of Bartholomew Bathe of Dollardstown and had a son, Bartholomew, who became chief justice of the King's Bench, and a son Robert, who became chief justice of the Common Bench.

**1500 Thomas Strangways;**

appears in Dublin 1500; was appointed then second baron of the Exchequer.

**1504 Thomas Kent, knight ;**

appears to have been a native of Drogheda ; became escheator of Meath 1495 ; was appointed the king's serjeant 1497 ; became chief baron of the Exchequer 1504 ; appears as a knight 1509 ; died or was superseded 1511.

**1505 Richard Nangle, clerk ;**

appears acting as a witness in Dublin 1473 ; was described as clerk of the hanaper 1480 ; entered Lincoln's Inn 1485 ; became a baron of the Exchequer 1505.

**1507 Bartholomew Dillon, knight ;**

was a son of James Dillon and Elizabeth Bathe ; became chief remembrancer of the exchequer 1505 ; succeeded to Riverston in co. Meath on his father's death ; was appointed first baron of the Exchequer 1507 and chief baron 1514 ; was superseded 1515 ; appears as deputy treasurer 1516 ; exchanged that office for the second justiceship of the King's Bench 1522 ; was then styled knight ; appears in London acting on behalf of the Earl of Kildare 1526 ; was appointed chief justice of the King's Bench 1533 ; died same year ; married twice, his wives being daughters of the noble houses of Barnewall and Plunket.

**1511 Richard Golding ;**

was son of Edward Golding ; entered Lincoln's Inn 1505 ; acted there as master of the revels 1509 ; appears in Dublin as a pleader 1511 ; was appointed then chief baron ; married Margery, daughter of Sir William Darcy of Platten, same year ; was superseded 1514 ; was reappointed 1515 ; was again superseded or died 1520.

**1512 William Rokeby, archbishop of Dublin ;**

was son of John Rokeby of Kirk Sandall in Yorkshire ; studied in Oxford University ; took degree of doctor of canon law ; appears as a fellow of King's Hall at Cambridge ; became rector of Kirk Sandall 1487 ; was collated to rectory of Thorpland in Norfolk 1496, and was appointed warden of Sibthorpe hospital in Nottinghamshire 1498 ; became rector of Sproatley and chaplain of Ferrybridge in Yorkshire 1501, vicar of Halifax 1502, and a prebendary in Beverley minster 1503 ; went to Ireland as bishop of Meath 1507 ;

was translated to Dublin 1512; became chancellor same year; was superseded as chancellor 1513; visited England 1515; took part there in the celebration of mass when Wolsey received his hat as cardinal and when the future Queen Mary was christened; was reappointed chancellor 1516; became archdeacon of Surrey 1520; died in England 1521; was buried at Kirk Sandall. [Dict. Nat. Biog.; Wood's Ath. Oxon; Ware's Bishops; Brit. Mus., Add. MSS., 24470; Test. Ebor., v. 140.]

**1513 Thomas Rochfort, clerk;**

was son of Roger Rochfort, lord of Killadoon in co. Kildare; appears in Dublin as precentor of St. Patrick's Cathedral 1502; became dean 1506; was appointed king's serjeant and solicitor 1511; appears as keeper and master of the rolls of chancery 1513; received then a pardon; was superseded or died 1521.

**1513 William Compton, knight;**

was son of Edmund Compton of Compton in Warwickshire, an ancestor of the Earls of Northampton; became page to the future Henry VIII; remained during his life attached to the court; appears as groom of the stole; was granted offices of constable of Sudeley and Gloucester castles, and of usher of the black rod at Windsor; took part in the French campaign of 1513; was appointed chancellor of Ireland with power to act by deputy in that year; was superseded 1516; attended the king to the Field of the Cloth of Gold 1520; served on the Scotch borders 1523; was permitted to wear his hat in the royal presence; married Werburga, daughter and heiress of Sir John Brereton; died as a man of immense wealth 1528. [Dict. Nat. Biog.]

**1513 Patrick Bermingham;**

was probably nearly related to Philip Bermingham; entered Lincoln's Inn 1478; became a landowner in Ireland on the death of his brother John 1483; was granted then licence to enter into his brother's possessions and to absent himself from Ireland for life; appears in Ireland as a clerk of the exchequer 1503; was appointed chief justice of the King's Bench 1513; received commendation for his conduct on the Irish council 1520; was given a new patent as chief justice 1521; received the office of chancellor of the exchequer and permission to come to England; visited England 1528,

1532 ; died in the latter year ; married Katherine Preston ; owned Johnstown and Dardistown. [Dict. Nat. Biog.]

**1514 John Barnewall, Lord Trimleston ;**

was son of Robert, Lord Trimleston and great-grandson of Christopher Barnewall ; appears as a pleader at the Irish bar 1504 ; was appointed then attorney to the king ; became solicitor-general and serjeant to the king later in that year ; appears as a knight and a peer 1514 ; was appointed then second justice of the King's Bench ; exchanged his seat on the bench for office of deputy treasurer 1522 ; became treasurer 1524 ; was appointed chancellor 1534 ; was summoned then by the king to England ; appears again in England in the following year ; took part in an expedition against the O'Connors 1536 ; treated with Con Bacach O'Neill 1537 ; died 1538 ; married four times, his first and second wives being daughters respectively of the house of Bellew and of Fitzleones. [Dict. Nat. Biog.]

**1514 Richard Delahide ;**

was probably descended from Anglo-Norman settlers and was a member of a family long seated at Moyglare in co. Meath ; appears as an adherent of the Geraldines ; was appointed chief justice of the Common Bench jointly with his predecessor 1514 and alone 1515 ; received fresh patents 1522, 1532 ; was threatened with supersession 1529 ; held for a short time by an Irish patent office of chancellor of the exchequer 1533 ; was alleged to have been a promoter of the rebellion of Silken Thomas 1534 ; was removed then from the bench ; appears again on the bench as chief baron of the Exchequer 1537 ; died in or before 1540 ; married Jenet Plunkett, a grand-daughter of his predecessor, Thomas Plunket ; resided in Dublin county, sometime at the Ward and afterwards at Loughshinny.

**1514 Nicholas Fitzsimons ;**

appears as a pleader at the Irish bar 1504 ; became then the king's attorney ; was appointed third baron of the Exchequer 1514 and second baron 1515.

**1519 Patrick Finglas ;**

derived his patronymic from Finglas near Dublin ; entered Lincoln's Inn 1503 ; acted there as Christmas steward 1506 ; appears in Ireland as king's serjeant 1509 ; was



described then of Piercetown in co. Meath; appears as second justice of the Common Bench 1519; became chief baron of the Exchequer 1520; was sent to England to arrange for a meeting of the Irish parliament same year; received a fresh patent for life 1524; acted as a justice of assize 1527; was appointed chief justice of the King's Bench 1534; was superseded and became again chief baron 1535; wrote "An Abbreviate of the getting of Ireland and of the decay of the same"; died 1537. [Dict. Nat. Biog.; Ware's Writers.]

**1521 Walter Wellesley, prior;**

belonged to the order of the Austin Friars; studied at Oxford; appears as prior of Conal in co. Kildare 1220; was then the most famous clerk in Ireland, a man of gravity and virtuous conversation with a singular mind to English order; became keeper of the rolls of chancery 1521; was made bishop of Kildare 1531; died 1539; was buried at Conal. [Ware's Bishops.]

**1521 Thomas Netterville;**

was son of John Netterville of Dowth, a member of the same family as Nicholas de Netterville, and a daughter of Christopher, Lord Trimleston; appears probably as a member of the Inner Temple 1507; was acting as chief justice of the liberty of Kildare 1518; appears as second justice of the Common Bench 1521; married Elizabeth, second daughter of Nicholas, Lord Howth; retired or died 1528.

**1521 Patrick White, knight;**

was described as of Flemington and Malayin in co. Meath; appears as second baron of the Exchequer 1521; became a member of the Irish council 1533; acted for a time as second justice of the King's Bench 1535; was residing near Dublin at Clontarf, a forfeited possession of the Hospitallers, 1545; became connected through the marriage of his son with the last prior, who was created Viscount Clontarf; died after a service on the bench of forty years 1561; married twice, his second wife being Alison St. Lawrence, daughter of Nicholas, Lord Howth.

**1522 Hugh Inge, archbishop of Dublin;**

was a native of Somersetshire; appears as a scholar at Winchester College 1480; entered Oxford University;



became a fellow of New College 1484; took degree of a master of arts; travelled on the continent; obtained there degree of a doctor of divinity; appears in the diocese of Bath and Wells; became prebendary of Cudworth 1501, and of East Harptree 1503; was appointed succentor of Wells Cathedral in the latter year; appears with the bishop at Rome 1504; became vicar of Weston Zoyland 1508 and of Doultling 1509; received preferment also in dioceses of Lincoln and Worcester; became known to Wolsey without whom he would have had "small comfort in this world"; was made, through Wolsey's influence, bishop of Meath 1512; appears at Wells 1514; writes thence to Wolsey asking him not to allow him to be cast away; gave the archdeaconry of Meath to the king's physician 1520; became chancellor 1522; was translated to Dublin same year; died in Dublin of the sweating sickness 1528; was buried there in St. Patrick's Cathedral. [Dict. Nat. Biog.; Ware's Bishops; Somerset Record Soc., xix, passim.]

**1522 Thomas Darcy, clerk;**

was probably a kinsman of Sir William Darcy, sometime treasurer of Ireland; appears in Dublin as a prebendary of St. Patrick's Cathedral 1522; was appointed then keeper of the rolls of chancery; was superseded 1523; became dean of St. Patrick's Cathedral 1528; appears again as keeper of the rolls same year; died 1529. [Mason's Cath. of St. Patrick, p. 146.]

**1523 John Ricard, clerk;**

was a native of Yorkshire and a connexion of Archbishop Rokeby; went probably to Ireland with him; appears there with the style of doctor as rector of Trim; was appointed by the archbishop one of his executors and was left his ring 1521; became dean of St. Patrick's Cathedral 1522; received licence to live at court or elsewhere in England for ten years 1523; was appointed keeper of the rolls of chancery same year; appears in Ireland 1524; died 1527. [Mason's Cath. of St. Patrick, p. 145; Test. Ebor., v. 140, 280.]

**1528 John Alen, archbishop of Dublin;**

was a son of Edward Alen, a cadet of a Norfolk family seated at Cotteshall, and Catherine, daughter of Sir John St. Leger; appears to have had a family connexion with

Rayleigh in Essex ; is said to have studied at both Oxford and Cambridge ; became probably bachelor of arts at Cambridge 1500 ; had before received deacon's and priest's orders ; became master of arts at Cambridge 1503 ; was given the vicarage of Chislet in Kent same year ; received dispensation to hold three benefices 1504, and another to hold also a prebend of Lincoln 1505 ; was given the vicarage of Sundridge in Kent 1508 ; received dispensation to hold also a canonry of Westbury 1508 ; was given the rectory of Aldington in Kent 1511 ; became rural dean of Risborough in Buckinghamshire 1512 ; was given the rectory of South Ockendon in Essex 1516 ; received dispensation to hold also a prebend of Lincoln same year ; was sent to Rome by the archbishop of Canterbury ; received while there degree of doctor of laws ; was made archdeacon of Callipolis 1518 ; became a member of the Civilians' College 1519 ; appears as Wolsey's chaplain and commissary 1522 ; was incorporated as doctor of laws at Cambridge and Oxford ; was given the rectory of Galby in Leicestershire 1523, the vicarage of Albourne in Sussex 1524, and the rectory of Llaniestyn in Carnarvonshire 1525 ; acted as Wolsey's agent in the suppression of monasteries 1525-6 ; was given the rectory of Little Wilbraham in Cambridgeshire in latter year ; became also then a prebendary of Southwell and a prebendary of St. Paul's in the following year ; was given the rectory of Stonar in Kent 1528 ; became archbishop of Dublin later in that year ; was appointed then also chancellor ; had to pay a heavy fine for illegal acts as Wolsey's commissary 1531 ; complained of his want of money and asked for a prebend 1532 ; promised then to send Thomas Cromwell a hobby, a hawk and a Limerick mantle ; was superseded as chancellor same year ; sent hawks to the king and to Thomas Cromwell 1533 ; was murdered during the rebellion of Silken Thomas at Artaine near Dublin 1534 ; compiled registers of ecclesiastical records in Ireland, known as the *Liber Niger* and *Reperitorium Viride* ; wrote also ecclesiastical treatises. [Dict. Nat. Biog. ; Ware's Bishops ; Wood's Ath. Oxon. ; Cooper's Ath. Cantab ; Venn's Alumni.]

1528 Gerald Aylmer, knight ;

was younger son of Bartholomew Aylmer of Lyons in co.

Kildare, where the family had been seated from the time of the Anglo-Norman settlement, and Margaret Cheevers ; appears as a follower of the Earl of Kildare 1528 ; was appointed then second justice of the Common Bench ; went to England with a representation of the evils of Geraldine rule 1533 ; appears there when the rising of Silken Thomas began 1534 ; was appointed then chief baron of the Exchequer ; became on his return to Ireland active in the suppression of the rebellion both in the field and in the council ; appears in command of troops on the co. Dublin border 1535 ; visited England afterwards ; ingratiated himself then with Thomas Cromwell ; was appointed on Cromwell's recommendation chief justice of the King's Bench ; returned to Ireland ; travelled that winter with other members of the Irish council through Leinster and Munster to promote English rule ; went to England with the five uncles of Silken Thomas early in 1536 ; accompanied after his return the deputy on an expedition to Limerick ; was again with the deputy when he attacked the O'Connors in the summer of 1537 ; went afterwards to meet Con Bacach O'Neill ; was summoned to England by the king 1538 ; joined after his return to Ireland in an expedition against the Kavanaghs ; travelled that winter with the archbishop of Dublin and other members of the Irish council through Leinster to promote the principles of the Reformation ; accompanied the deputy on his expedition against O'Neill and took part in the battle of Bellahoe 1539 ; was knighted on the field and given a grant of Dollardstown in co. Meath ; held subsequently parleys with O'Neill ; appears as a constant attendant at the council ; acted as one of the lords justices 1552-3 ; was threatened with supersession on the ground of his age 1559 ; died same year ; married Alison, daughter of Gerald Fitzgerald of Athlone and was an ancestor of the Aylmers of Balrath on whom a baronetcy and a barony were conferred. [Kildare Arch. Soc., i. 295 ; iv. 179.]

**1530 Anthony Skeffington, clerk ;**

was probably a near kinsman of Sir William Skeffington, then deputy of Ireland ; became keeper of the rolls of chancery 1530 ; was superseded 1533 ; became prebendary of Swords in St. Patrick's Cathedral 1535.

**1532 George Cromer, archbishop of Armagh ;**

was younger son of Sir James Cromer of Tunstall in Kent and Catherine, daughter of Sir William Cantelowe ; appears as connected with the king's court 1518 ; was then styled doctor ; became archbishop of Armagh 1522 ; was consecrated in England and licensed to be absent from Ireland for eighteen months ; sent two hobbies to the king from Ireland 1531 ; was appointed chancellor 1532 ; visited England subsequently ; signed a representation of the evils of Geraldine rule 1533 ; endeavoured to dissuade Silken Thomas from his rebellion 1534 ; was suspected, however, of disloyalty and superseded as chancellor a few months later ; escaped narrowly prosecution 1535 ; opposed the enactment of the king's supremacy in the church 1536 ; was suspended, notwithstanding, by the Pope on allegation of heresy 1539 ; attended the Irish parliament 1541 ; suffered from ill-health by which he was incapacitated while he was chancellor ; died 1543. [Dict. Nat. Biog. ; Ware's Bishops ; Hasted's Kent, ii. 575.]

**1533 Christopher Delahide ;**

was a kinsman of Richard Delahide ; appears, however, as opposed to the Geraldines ; was recommended unsuccessfully for the second justiceship of the Common Bench 1528 ; became second justice of the King's Bench 1533 ; joined in representation of the evils of Geraldine rule same year ; died probably in 1534.

**1533 John Alen, knight ;**

was son of Warin Alen of Cotteshall in Norfolk, an uncle of Archbishop Alen ; entered Gray's Inn 1522 ; went to Ireland as secretary to the archbishop 1528 ; was commissioned by Wolsey to promote his legatine authority there ; became clerk of the Irish council ; returned to England about the time of the archbishop's supersession as chancellor 1532 ; was appointed while in England master of the rolls of chancery in Ireland 1533 ; appears to have been the first holder of the office to make use of the title master ; went back to Dublin ; returned soon to England, at the same time as Sir Gerald Aylmer, with a representation of the evils of Geraldine rule ; appears in Ireland again early in 1534 ; was back in England when the rebellion of Silken



Thomas began and the archbishop was murdered; joined Aylmer on their return to Ireland in the field, although not "a man of war," and adopted the same policy in the council; accompanied Aylmer to England on his visits; was given office of chancellor of the exchequer 1535; became clerk of the Irish parliament 1536; was granted the priory of St. Wolstan's in co. Kildare same year; furnished "a book" on the government of Ireland 1537; became chancellor 1538; acted as head of the commission for the suppression of the religious houses 1539; was accustomed to propitiate English statesmen by gifts of marten skins; was summoned before the English privy council 1546; was found to be "a promoter of discord and a common taker of bribes"; was deprived of the chancellorship and was committed to the Fleet; was restored to the office of chancellor after the accession of Edward VI, and knighted 1548; was superseded as chancellor 1550; continued active in Irish affairs; was commended for his honesty and readiness in giving the benefit of his long experience and knowledge; is said to have retired to England on accession of Mary; appears, however, as a member of her Irish council 1556; was elected after the accession of Elizabeth member for Kinsale 1559; held then still the chancellorship of the exchequer; died in or about 1561; was buried near St. Wolstan's in Donocomper church; married a Cheshire lady, but left no issue; was succeeded at St. Wolstan's by his nephew, John Alen, whose grandson was created (according to the patent on account of the services of Archbishop Alen) a baronet. [Kildare Arch. Soc., iv. 95.]

**1534 Walter Hussey;**

was a cadet of an old Meath family; appears as chief engrosser of the exchequer 1534; was appointed then a baron of the Exchequer; was joined with another in office of engrosser 1538; died before 1544.

**1534 Thomas Luttrell, knight;**

was son of Richard Luttrell, then head in Ireland of the family to which Robert Luttrell belonged and owner of Luttrellstown, and Margaret Fitzlyons; appears as a great gentleman of the Pale; married a sister of Sir Gerald Aylmer 1506; became king's serjeant and solicitor 1532;



appears as a candidate for the office of a second justice of the Common Bench 1533; was appointed chief justice of the Common Bench 1534; furnished a treatise on the government of Ireland 1537; advocated in it the imposition of English laws and customs, the appointment of chief governors of English birth, and the printing of the Irish statutes; sent Cromwell a present of a goshawk, then a very scarce bird, 1538; took part in negotiations with Tirlagh O'Toole, for which he was fitted by knowledge of the Irish language; received knighthood 1540; served on a commission of inquiry as to monastic property 1541; received several grants of monastic lands; appears in London at the time of Mary's accession 1553; died in the following year 1554; had married secondly a daughter of Sir William Bathe; left provision for the maintenance of hospitality at Luttrellstown and erection of a mortuary chapel in the parish church. [County Dublin, iv. 4.]

**1535 Walter Golding ;**

was a kinsman of Richard Golding; became second engrosser and transcriber of the exchequer 1532; was appointed second baron of the Exchequer 1535; obtained a grant of the grange of Portmarnock, a possession of St. Mary's Abbey, near Dublin; was unofficially an adviser of Lord Deputy Grey; died in or before 1547.

**1535 Thomas Cusake, knight ;**

was a son of John Cusake of Cussington in co. Meath, and Alison Wellesley, and a kinsman of the previous Thomas Cusake; entered the Inner Temple 1522; acted as master of the revels 1524; was accepted as surety for another member 1530; appears in London as a suitor to Thomas Cromwell for the office of chancellor of the Irish exchequer 1532; was granted that office and gave Cromwell's secretary ten pounds for his master's use 1533; went to Ireland in a ship chartered by the government 1534; appears again in London as suitor for the office of second justice of the Common Bench; was assisted by a cousin, Elizabeth Brice, then wife of Sir Thomas Neville, and previously wife of Robert Amadas, keeper of the king's jewels, who was willing to spend a hundred marks in expediting Cusake's suit; received the judicial seat sought by him

and went back to Ireland 1535 ; returned to England on government business later in that year ; resigned then his seat on the bench and the chancellorship of the exchequer ; returned to Ireland ; gave help there probably as a member of parliament in legislation to establish the king's supremacy in the church and to dissolve religious houses 1536 ; appears as remembered for his services by Thomas Cromwell 1537 ; was consulted by a commission on the Irish government and accompanied the commissioners on their return to England 1538 ; appears again in England 1539 ; was nominated then on the commission for the suppression of Irish religious houses ; obtained a lease of the abbey of Lismullen in co. Meath 1540 ; received knighthood same year ; was commended for his services as well in counsel as in action, and was said to be concerned only for the honour of the king and of Thomas Cromwell ; became speaker of the Irish house of commons 1541 ; went to England on parliamentary business ; was recommended to the king as a gentleman of large possessions in the Pale who had rendered service for six years at his own cost and charge ; furnished the king with a treatise on Ireland ; was sworn of the Irish council on his return ; became master of the rolls 1542 ; was sometime sheriff of Meath ; raised kerne there for service in France and Scotland 1544 ; was appointed keeper of the great seal 1546 ; acquired the abbey of Lismullen in perpetuity ; assisted in military operations for the defence of the Pale 1548 ; was appointed chancellor 1550 ; went to Connaught that winter to establish the authority of the Earl of Clanricarde ; was obliged to order many executions ; received augmentation of his fee 1551 ; furnished an account of the state of Ireland 1552 ; acted as a lord justice same year ; was promoting actively the principles of the Reformation 1553 ; received, notwithstanding, hearty thanks from Mary on her accession for his services, and held office of chancellor under her for two years ; complained after her death of exactions made upon him during her reign ; became again a member of the Irish house of commons and after Elizabeth's accession took an active part in the government of the country ; went with others to Clonmel to decide disputes between the Earl of Ormond and the Earl of Desmond 1560 ; engaged in negotiations with Shane O'Neill ; visited England and became personally known to Elizabeth

in the summer of 1563 ; was designed then by her to succeed to the chancellorship ; visited England once more in the winter of 1563 ; solicited then personally for appointment again as chancellor ; was engaged on his return to Ireland in the pacification of Munster, which was not effected without military operations and executions 1564-6 ; believed that his work there would be gratefully remembered for a hundred years ; furnished an account of the state of Ulster 1566 ; complained frequently of extreme sickness ; thought that his advice was disregarded on the council, but after his death his assistance was missed ; died 1571 ; was buried in co. Meath at Trevet ; married three times, his first wife, whom he divorced, being Joan Hussey, his second Matilda Darcy, and his third Jenet Sarsfield, who had five husbands, of whom Cusake was the fourth ; became, through the marriage of one of his daughters to Sir Henry Colley, an ancestor of the Duke of Wellington. [Dict. Nat. Biog. ; Falkiner's Essays, p. 225 ; Harleian Miscellany, vi. 447.]

**1535 Thomas St. Lawrence ;**

was called generally Thomas Howth ; was son of Robert, Lord Howth and Lady Joan Beaufort ; entered Lincoln's Inn 1503 ; appears still a member 1515 ; became surety for the Earl of Kildare 1522 ; appears in Ireland as the king's attorney 1532 ; was given also the office of chief remembrancer of the exchequer 1533 ; appears in possession of the castle of Artaine at the time Archbishop Alen was murdered there 1534 ; had obtained its custody as guardian of Nicholas Holywood, and husband of Margaret Holywood ; assisted in the suppression of the rebellion of Silken Thomas 1535 ; was appointed second justice of the King's Bench same year ; became a member of Lord Deputy Grey's council ; served on commission as to monastic lands 1541 ; resigned office of remembrancer on receiving a pension 1544 ; was thanked for his faithful and diligent service after accession of Edward VI 1547 ; obtained then possession of a house in the precincts of St. Patrick's Cathedral ; appears in Kilkenny at the time of Mary's accession 1553 ; incited the clergy to disobey the bishop, John Bale, and to discard the Anglican use ; died a few months later ; had an only daughter who married a son of Chief Justice Bermingham. [Harleian Miscellany, vi. 449.]

**1535 Walter Kerdiff ;**

was a member of a family deriving its name from Cardiff, but long settled near Dublin in the neighbourhood of Finglas; appears there as owner of Pelletstown; was appointed second justice of the Common Bench 1535; appears residing near Dublin at Shallon 1537, and at Turvey 1558; was superseded before Mary's death in that year; died in or before 1564.

**1539 Robert Cowley ;**

was born in England; served in Irish wars under Earl of Kildare before 1502; entered possibly Lincoln's Inn (as Cole) that year; engaged in trade in Dublin; was bailiff there 1515; appears in the retinue of the Earl of Surrey on his appointment as lieutenant 1520; remained with the earl's successor in the government, Sir Piers Butler, 1522; acted sometime as clerk of the council; appears as Sir Piers Butler's legal adviser and was entrusted with his signet 1525; corresponded with Wolsey and subsequently with Thomas Cromwell; was given, jointly with his son, office of customer of the port of Dublin 1533, and office of clerk of the crown 1535; appears as remembered by Thomas Cromwell for long approved fidelity and truth 1537; was appointed master of the rolls 1539; served on a commission as to monastic lands and was given a lease of the priory of Holmpatrick, near Dublin; came into conflict with Sir Anthony St. Leger as deputy and went to England without leave 1541; was committed to the Fleet after his arrival in London and was regarded by the king as seditious and contentious; was superseded as master of the rolls 1542; was released from the Fleet 1543; died in England 1546; was father of Walter Cowley or Colley, the king's principal solicitor in Ireland, from whom the Duke of Wellington descended. [Jour. Roy. Soc. Ant. Ire., ii. 102; Book of Howth, p. 192; Burke's Peerage under Wellington.]

**1540 James Bathe ;**

was a member of the same family as Sir Thomas Bathe; is said to have belonged to the house of Beshellstown; entered the Middle Temple 1522; appears as master of the revels 1524; was allied to several persons who were prominent in the rebellion of Silken Thomas; was said by



some to have been guilty of treason; became through Thomas St. Lawrence one of Lord Deputy Grey's advisers; was sent by Grey to England 1539; drew up for Thomas Cromwell a statement as to the dissensions then rending the Irish government; returned to Ireland as chief baron of the Exchequer 1540; served on commission of inquiry as to monastic lands 1541; was given many leases of monastic possessions; appears residing in Drimnagh Castle near Dublin as husband of the widow of its late owner, Robert Barnewall, 1545; was commended for his good service 1543; went to reside at Drumcondra, near Dublin, about 1553; was in London at the time of Mary's accession in that year; was confirmed in office by her and by Elizabeth; died 1570; had by his wife, Elizabeth Burnell, widow of Robert Barnewall, a son John, who became chancellor of the exchequer. [County Dublin, vi. 158.]

**1546 Richard Rede, knight;**

was a native of Nether Wallop in Hampshire; was born 1511; became a scholar of Winchester 1524 and a fellow of New College, Oxford, 1528; took degree of bachelor of civil law 1536, and proceeded doctor of civil law 1540; was enrolled as a member of the Civilians' College also in latter year; appears as a master of the English chancery; was said to be learned and experienced 1546; went then on a commission concerning trade to Flanders; was nominated by the king later in that year as vicar-general for Ireland; became subsequently chancellor, received honour of knighthood; was given a lease of houses within the precincts of St. Patrick's Cathedral, and of the manor of Moyglare in co. Meath 1547; was superseded as chancellor 1548; appears afterwards in England as master of requests; purchased manor of Redbourn near St. Albans 1558, and manor of Tangley near Andover 1574; died 1579; left benefactions to Winchester, New College, and parish of Redbourn; was succeeded by a son called Innocent. [Dict. Nat. Biog.]

**1550 Patrick Barnewall, knight;**

was eldest son of Roger Barnewall of Fieldston in co. Dublin and Alison, sister of John Barnewall, Lord Trimleston; entered Gray's Inn 1527; was appointed the king's Irish serjeant and solicitor 1534; appears in attendance on the



lord deputy at Limerick 1536; was relieved then of his duties as solicitor to the king; desired licence to study further in London; appears as a member of the Irish house of commons later in that year; opposed then the dissolution of religious houses; visited England in the winter and again in the summer of 1537; recommended the establishment of an inn of court in Dublin 1538; went to England concerning parliamentary business 1540; was recommended for his integrity and learning as well as for his knowledge of the Pale; secured establishment of an inn of court in Dublin; received a lease of the priory of Gracedieu in co. Dublin 1541, a grant of the possessions of the monastery of Knocktopher in co. Kilkenny 1542, and a lease of possessions of St. Patrick's Cathedral in Dublin 1547; was appointed master of the rolls 1550; assisted Sir Thomas Cusake in establishing order in Connaught in the winter of that year; was suggested on account of his knowledge of the Irish language as suitable to hear causes in Munster 1551; received knighthood 1552; died same year; was an ancestor of the Viscounts Kingsland; married Anne, sister of Chief Justice Luttrell, under whose influence he is said to have been in his early years.

**1552 John Parker;**

appears as a cloth-maker of Tenterden in Kent 1535; went to Calais then in the retinue of its governor Lord Lisle; received a present on the dissolution of Lord Lisle's household 1540; went then to Ireland as secretary to the lord deputy, Sir Anthony St. Leger; received a lease of the abbey of Selsker in co. Wexford 1542; was sent by the lord deputy to the king 1543; received then a grant of the office of constable of the castle of Dublin and a lease of the monastery of Rosbercon in co. Kilkenny; appears as owner of a ship called the *Peter* 1545; went to England again in 1546; was nominated then as marshal of the courts of Dublin, and was granted the abbey of Selsker in perpetuity; became usher of the exchequer 1548; appears then as successor of Robert Cowley in the possession of the priory of Holmpatrick; offered to pursue a pirate; organized defence of Carrickfergus 1551; was appointed master of the rolls 1552; obtained rule of the border lands near Teroaghan in co. Meath 1553; entertained the Earl of

Sussex as lord lieutenant at Holmpatrick 1556, and accompanied him on an expedition against Shane O'Neill 1557; was pardoned then for heresies and abetting Lollards and was given a lease of Tecroghan; became member of parliament for Trim 1559; was engaged then in the manufacture of tapestry and hats, and received a licence to export wool; was granted also office of chief serjeant of Connaught; took oath of supremacy 1560; accompanied Sir Thomas Cusake to Clonmel to settle disputes between the Earls of Ormond and Desmond same year; appears in Munster as a royal commissioner 1562; took then the part of the gentlemen of the Pale; was accused of disloyalty by Sussex; appears as an eminent favourer of religion 1564; died same year; was then in debt; left a son and a daughter.

**1554 John Bathe;**

was described as of Athcarne in co. Meath and was a kinsman of James Bathe; appears as escheator of Lincoln's Inn 1536; was called there to the bar 1539; became principal solicitor to the king in Ireland 1546; was appointed the king's serjeant and solicitor 1550; received commendation for his knowledge of the laws of England, as well as for diligence, discretion, and loyalty 1554; was appointed then chief justice of the Common Bench; was superseded or died 1559.

**1555 Robert Dillon, knight;**

was brother of Sir Bartholomew Dillon; became the king's attorney in Ireland 1534; was described then as of Philpots-town in co. Meath; obtained the priory of Newtown near Trim 1538; went to England with Sir Patrick Barnewall 1540; was given the monastery of Athnecrane in co. Westmeath 1546, and a house in Dublin in the precincts of St. Patrick's Cathedral 1547; acted as civil governor of Athlone 1548; was recommended for his discretion and learning 1555; became then second justice of the King's Bench; was promoted to be chief justice of the Common Bench 1559; received knighthood 1567; was given the monastery of Kilkenny West in co. Westmeath 1569; acted as seneschal of that place; died 1580; married Jenet, daughter of Edward Barnewall, of Crickstown; had a son Lucas, who became chief baron. [Dict. Nat. Biog.]

**1555 William Fitzwilliam, knight ;**

was eldest son of Sir William Fitzwilliam of Milton in Northamptonshire, and Anne, daughter of Sir Richard Sapeote; from whom the Earls of Fitzwilliam are descended; was born 1526; married Anne, daughter of Sir William Sidney, and sister of a future deputy of Ireland, Sir Henry Sidney, 1543; appears as gentleman usher to Prince Edward 1545; became chief gentleman of the privy chamber; was given grant of the priory of Hampole in Yorkshire 1546 and possessions of St. Patrick's Cathedral in Dublin 1547; took up arms to defend right of Mary to succeed to the throne 1553; was sent by her to Ireland on a commission of inquiry as to the crown lands 1554; was then styled knight; acted as keeper of the great seal of Ireland 1555; returned to England and made allegations against the lord deputy, Sir Anthony St. Leger 1556; was appointed vice-treasurer of Ireland 1559; became then knight of the shire for co. Carlow; acted five times as a lord justice; paid several prolonged visits to England; was appointed deputy 1572; was relieved 1575; appears as governor of Fotheringay Castle at the time of the execution of Mary, Queen of Scots 1587; was reappointed deputy of Ireland 1588; was relieved 1594; had suffered much from ill-health; died 1599. [Dict. Nat. Biog.]

**1555 Hugh Curwen, archbishop of Dublin ;**

was a native of High Knipe, near Penrith, in Westmorland; was born 1507; appears at Oxford in Brasenose College; took there degree of bachelor of civil law 1528, and of doctor of civil law 1532; appears as chaplain to Henry VIII same year; preached sermon denouncing heretical opinions and defending the king's marriage with Anne Boleyn; was given a prebend of Hereford Cathedral and the vicarage of Great Mongeham in Kent 1538; went to Calais on a commission of inquiry as to its government 1540; was given a prebend of Bridgnorth 1541; became dean of Hereford same year; was made a portionist of Ledbury 1546; became rector of Eaton Bishop also in Herefordshire 1552, and of Lugwardine in same 1553; was made archbishop of Dublin, being consecrated in London, in St. Paul's Cathedral 1555; became then also chancellor; acted as a lord justice 1557; accepted the principles of the Reformation on Elizabeth's

accession 1558; sought translation to the see of Hereford 1560; appears suffering from infirmity which was attributed to age 1563; was offered then a pension; declined it on the ground of its insufficiency; was nominated to see of Oxford 1566; appears then as suffering from palsy; was alleged to exercise his patronage improperly and to swear terribly in court; resigned the see of Dublin and office of chancellor and went to reside in Oxfordshire; died at Swinbrook near Burford 1568; was buried in Burford Church. [Dict. Nat. Biog.; Ware's Bishops; Wood's Ath. Oxon.; Cooper's Ath. Cantab., but cf. Venn's Alumni, i. 435; Atkinson's Westmorland Worthies.]

**1558 Richard Talbot;**

was son of William Talbot of Dublin and Alice Burnell; appears in possession of Templeoge near Dublin 1555; became then justice of Wexford; was appointed second justice of the Common Bench 1558; took oath of supremacy 1560; was superseded or died 1577; married a daughter of the house of Burnell of Balgriffin; is represented now by the Talbots of Mount Talbot.

**1559 John Plunket, knight;**

was son of Christopher Plunket of Dunsoghly, and Catherine, daughter of Philip Bermingham, and was grandson of Thomas Plunket; appears probably in the Inner Temple acting as master of the revels 1518; was sometime in Dublin a pupil of Robert Fitzsimons, vicar-general of that see, and an attendant of Chief Justice Delahide, who gave him office in the Common Bench; appears as owner of Dunsoghly Castle; acted as controller of the household of the lord deputy under Edward the Sixth; became a member of the Irish council under Mary; visited England and received from her a grant of land 1558; was appointed chief justice of the Queen's Bench under Elizabeth 1559; appears in England discussing with her the state of Ireland 1562; held an inquiry at Waterford as to an encounter between the Earls of Ormond and Desmond 1565; was knighted 1567; went to Munster as a commissioner for its settlement in the winter of that year; was known as "the good Sir John Plunkett" and eulogized for his justice and incorruptibility; erected a chapel beside his castle, a chantry adjoining his parish church, and a chamber over a mineral



spring in the vicinity ; died 1582 ; married three times, first Catherine Luttrell, secondly Elizabeth Preston, and thirdly Janet Sarsfield, widow of Sir Thomas Cusake, as her fifth and last husband. [County Dublin, vi. 65.]

**1559 Luke Netterville ;**

was son of John Netterville of Dowth, and Alice, daughter of Nicholas, Lord Howth, who married secondly Sir Patrick Whyte ; was a kinsman of Thomas Netterville ; appears as owner of Dowth 1550 ; was involved in litigation about tenements there with Mr. Justice Kerdiff 1555 ; served on a commission of inquiry as to possessions of the Earl of Kildare 1558 ; was appointed second justice of the Queen's Bench 1559 ; served on a commission to execute martial law in co. Meath 1560 ; retired or died same year ; married Margaret, daughter of Sir Thomas Luttrell ; was grandfather of the first Viscount Netterville.

**1560 Richard Dillon ;**

was son of Gerald Dillon and Ellen Fitzrery and was a kinsman of Sir Bartholomew Dillon ; appears as owner of Proudstown, co. Meath 1552 ; served on a commission of inquiry as to possessions of the Earl of Kildare 1558 ; was appointed second justice of the Queen's Bench 1560 ; died 1565.

**1561 Robert Cusake ;**

was eldest son of Sir Thomas Cusake and Joan Hussey ; appears as a trustee 1552 ; was described then as of Lismullen ; appears probably in the Inner Temple acting as master of the revels and styled master 1552-4 ; was appointed second baron of the Exchequer 1561 ; acted as a commissioner for the government of Munster 1566 ; was believed then to favour the Desmond interest ; resided in co. Meath at Cussington ; was recommended to be chief baron on account of his affection for the Reformation 1570 ; died in that year ; married Catherine, daughter of Sir Christopher Nugent.

**1563 Henry Draycott ;**

was a native of Denby in Derbyshire ; appears in Ireland 1544 ; was appointed then treasurer of the lordship of Wexford ; received a lease of crown lands in co. Wexford ; became chief remembrancer and second engrosser of the



exchequer; went on a mission to England 1547; was given leases of forfeited lands in cos. Meath and Louth 1551; appears residing at Mornington in co. Meath 1551; became a member of parliament for Naas 1559; was given licence to go to England for six months in that year; became chancellor of the exchequer 1561; was appointed a baron of the Exchequer 1563; gained high reputation for his integrity of character; was appointed master of the rolls 1566; resigned then his seat in the Exchequer; acted on a commission as to controversy between the Earls of Ormond and Desmond 1566; went to Munster as a commissioner for its settlement in the winter of 1567; was said to deserve recognition for his services; became again baron of the Exchequer 1570; was given licence to export wheat 1571; died 1572. [Genealogist, iii. 56; Funeral Entries, p. 241; Jour. Kildare Arch. Soc., ix. 191.]

**1565 James Dowdall, knight;**

was a member of the family to which Sir Robert Dowdall belonged; appears in Lincoln's Inn acting as escheator 1549; was ordered by its bench to shave his beard 1554; returned to Ireland as principal solicitor to Mary later in that year; was described as of Knock in co. Louth 1558; had then married Elizabeth Thunder; received an annuity for his diligence in the Castle Chamber under Queen Elizabeth 1564; was appointed second justice of the Queen's Bench 1565; joined Sir Thomas Cusake in negotiations with Shane O'Neill 1566; received a commission to hear causes on the northern border of the Pale 1567; was appointed chief justice of Munster 1570; negotiated with Turlogh O'Neill 1571, and with the Earl of Desmond 1576; acted as head of the commission for the government of Munster 1575; became third justice of the Common Bench 1577; negotiated again with Turlogh O'Neill 1579; was appointed chief justice of the Queen's Bench 1583; received then knighthood; died 1584; was said then to stand high in the estimation of his judicial brethen and to be a power in the north of Ireland.

**1566 Richard Edward;**

appears as clerk of the pleas in the exchequer 1566; was appointed third baron same year; died in or before 1590.

**1566 Bartholomew Russell ;**

was a member of a family identified with the neighbourhood of Swords near Dublin ; appears residing there at Seatown 1543, and at Feltrim 1551 ; became clerk of the crown 1543 ; was given licence of absence from Ireland for a year 1553 ; became third justice of the Queen's Bench 1566 ; was pardoned about that time for altering and forging records ; received licence to go to England for a year to learn his duties 1568 ; was given another patent as third justice of the Queen's Bench 1583.

**1567 Robert Weston ;**

was son of John Weston of Lichfield, a cadet of an ancient Staffordshire family ; appears at Oxford as fellow of All Souls' College 1536 ; graduated as bachelor of civil law 1538 ; was principal of Broadgates Hall 1546-9 ; acted as deputy reader of civil law ; was vicar-general of Exeter during the episcopate of Miles Coverdale 1551-3 ; sat as member for Exeter in the last parliament of Edward VI 1553 ; was enrolled in the Civilians' College 1556 ; took at Oxford degree of doctor of civil law same year ; sat as member for Lichfield in the last parliament of Philip and Mary 1558 ; became dean of the arches 1559 ; gained a high reputation for learning and is said to have never had one of his decrees reversed ; was nominated as the future chancellor of Ireland 1566 ; became chancellor 1567 ; was given in augmentation of his salary the deanery of St. Patrick's Cathedral 1567 and the deanery of Wells 1570 ; acted as a lord justice 1567-8 ; had asked to be recalled on the ground of ill-health two months after his arrival in Ireland and continued to plead on that ground for release ; died 1573 ; was buried in Dublin in St. Patrick's Cathedral ; married Alice, daughter of Richard Jennings of Barre near Lichfield ; was grandfather of the wife of the great Earl of Cork whose monument in St. Patrick's Cathedral is surmounted by an effigy of Weston. [Diet. Nat. Biog. ; Wood's Ath. Oxon. ; Coote's Civilians ; Mason's Cath. of St. Patrick, pp. 167, liv.]

**1570 Lucas Dillon, knight ;**

was son of Sir Robert Dillon and Elizabeth Barnewall ; entered the Middle Temple 1551 ; returned to Ireland ;

resided at Moymet in co. Meath; became the queen's principal solicitor 1565 and attorney 1566; married Jane, daughter of Chief Baron Bathe; accompanied Lord Deputy Sidney to Munster 1567; was fined for not acting as Christmas steward in the Middle Temple 1569; appears as a member of the Irish parliament same year; corresponded with the future Lord Burghley; was appointed chief baron of the Exchequer in room of his father-in-law 1570; became seneschal of the royal manors near Dublin 1574; married as his second wife Marion Charles, widow of Sir Christopher Barnewall of Turvey 1575; was accounted then one of the very few judges of professional eminence in Ireland; became high in the favour of Lord Deputy Sidney; was called by him "meus fidelis Lucas" and was knighted by him in Drogheda; accompanied him to Ulster, Munster, and Connaught 1575-6; succeeded his father as seneschal of Kilkenny West 1578; accompanied Lord Justice Drury to Philipstown 1579; was mentioned as dangerously ill with "the disease of the country" same year; accompanied Lord Justice Pelham to Munster during the suppression of the Desmond rebellion and was long resident in Limerick 1580; succeeded to Newtown on the death of his father same year; was thought fit by some to be chancellor, but by others to be corrupt; took a leading part in detecting and prosecuting the participants in the rising under William Nugent 1581-2; went subsequently to England; was offered while there by Elizabeth, who considered him worthy of a better office, the chief justiceship of the Queen's Bench 1583; took part in arranging a trial by combat in the yard of the castle of Dublin same year; became a principal adviser of Sir John Perrot on his arrival as lord deputy and accompanied him to Ulster 1584; went afterwards to report to the Queen; returned in charge of four hundred soldiers 1585; joined in a military expedition into Connaught 1586; was nominated as a commissioner for the settlement of Munster 1587; accompanied Lord Deputy Fitzwilliam to Connaught and Ulster 1589; became ill at Newry; was said by Archbishop Loftus to be a notorious recusant and to have absented himself from church for several years 1590; became involved in charges made against his cousin Sir Robert Dillon the second 1591; was then residing in Dublin in St. Nicholas-street; died 1592; was buried in

Newtown church ; left issue, including a son who was created Earl of Roscommon. [Dict. Nat. Biog. ; Jour. Roy. Soc. Ant. Ire., xiii. 363-79 ; Irish Memorials Assoc., x. 368.]

**1570 Nicholas Nugent ;**

was younger son of Sir Christopher Nugent and Marian, daughter of Nicholas, Lord Howth, and was grandson of Richard, Lord Delvin ; entered Lincoln's Inn 1558 ; appears there as escheator 1559 ; had a quarrel with Sir Robert Dillon the second, then a fellow-student, and was bound over to keep the peace 1560 ; returned to Ireland ; appears as a legal commissioner there 1564 ; became principal solicitor to Elizabeth 1566 ; served on a commission of inquiry as to controversy between the Earls of Ormond and Desmond 1567, and on a commission as to the government of Connaught 1569 ; became second baron of the Exchequer 1570 ; was recommended by Lord Deputy Fitzwilliam to be master of the rolls 1572 ; married Janet, daughter of Sir John Plunket and widow of William Marward, titular Baron of Skreen ; promised his step-daughter, the titular baroness of Skreen, in marriage to his nephew, William Nugent, who abducted her, 1573 ; acted frequently as a commissioner of the muster in co. Meath ; resided in Kilcarn in that county ; joined in the agitation against the cess 1577 ; was committed to prison in the summer ; made his submission after a fortnight's detention ; was committed again to prison and was superseded on the bench 1578 ; made his submission and was released after four months' detention ; was recommended in the time of Lord Justice Drury to be the next chief justice of the Common Bench 1579, and was appointed in the time of Lord Justice Pelham as best entitled to that place 1580 ; was superseded 1581 ; became involved in the rebellion of his nephew William Nugent ; was committed to Dublin Castle on a charge of concealment of treason early in 1582 ; was tried in Passion week at Trim, was found guilty and was hanged 1582. [Dict. Nat. Biog.]

**1572 Nicholas White, knight ;**

was son of James White, steward of James, Earl of Ormond, who was poisoned with the earl at a banquet in London in 1546 ; entered Lincoln's Inn 1552 ; was called there to the



bar 1558 ; appears as knight of the shire for co. Kilkenny 1559 and as a justice of the peace in that county 1563 ; was recorder of Waterford 1564 ; acted in the government of Munster 1566 ; was described then as of White's Hall near Knocktopher ; visited England 1568 ; was given a seat on the Irish council and was appointed seneschal of Wexford ; received also a grant of St. Catherine's Priory near Dublin, which became his residence ; went when returning to Ireland to Tutbury Castle to see the Earl of Shrewsbury, and had a long interview with Mary, Queen of Scots, 1569 ; visited England again 1571 ; was there when the office of master of the rolls in Ireland became vacant ; was appointed by Elizabeth, from her own knowledge of his sufficiency, to that place 1572 ; asserted his right to have a guard of six soldiers and also, but unsuccessfully, to be keeper of the great seal during the absence of the chancellor or a vacancy in that office ; took part in the agitation against the cess and was superseded 1578 ; visited England and obtained restoration to his office same year ; appears in England in the spring of 1580 ; was rewarded then for discharging work of the chancellor ; accompanied Lord Justice Pelham on a military expedition to Kerry in the summer ; is said to have been the originator of a trial by combat in the yard of Dublin Castle 1583 ; received knighthood from Sir John Perrot on his arrival as lord deputy 1584 ; became one of his principal advisers, and assisted him in the field, in the wilds of Wicklow and Connaught, as well as in the council ; was arrested when charges were brought against Perrot and sent to London 1590 ; was confined successively in the Marshalsea and Tower and was tried in the Star Chamber ; was allowed, in consequence of his furnishing evidence against Perrot, to return to Ireland, but was dismissed from the council ; died in or before 1593 ; married twice, his wives being daughters of the houses of Sherlock and Brereton ; appears as an ancestor of the Whytes of Loughbrickland ; wrote "Journal of an Expedition to the Dingell." [Dict. Nat. Biog. ; County Dublin, iv. 23.]

**1573 Adam Loftus, archbishop of Dublin ;**

derived his patronymic from Lofthouse in Yorkshire ; was younger son of Edward Loftus, bailiff of Swineside under the abbey of Coverham in that shire ; is believed to have



become a student in Cambridge University 1546 ; appears holding the rectory of Outwell in Norfolk, then in the gift of Mary's favourite Thomas Thirlby as bishop of Ely 1556 ; was presented by Philip and Mary to the vicarage of Gedney in Lincolnshire 1557 ; became rector of Sedgfield in Durham 1560 ; appears under Elizabeth in Ireland as a preacher of God's word in the spring of 1561 ; was presented by the lord lieutenant, Thomas Earl of Sussex, to the rectory of Painstown in co. Meath, and was recommended by him to be archbishop of Armagh in the autumn of that year ; appears as nominated to that see in a *congé d'élire* which was subsequently stayed ; was described in it as the queen's chaplain and a professor of divinity ; appears as the lord lieutenant's servant in the beginning of 1562 ; is believed to have then visited England with him ; received in the autumn a commission to administer the see of Armagh and to take the temporalities ; was consecrated archbishop of Armagh in 1563 ; resided sometimes in his episcopal residence at Termonfeckin near Drogheda ; married Jane, daughter of James Purdon of Lurgan-place in co. Louth about that time ; was named by Elizabeth as the future archbishop of Dublin ; obtained licence to go to England in the autumn of 1564 ; was received with favour at court ; acquired the deanery of St. Patrick's Cathedral *in commendam* 1565 ; advocated the conversion of the cathedral into a university ; appears then in conflict with Lord Justice Arnold ; was suggested by Arnold's successor Sir Henry Sidney as archbishop of Cashel with the see of Ossory *in commendam* and also as bishop of Meath ; appears as under consideration for the chancellorship ; came to England on account of ill-health in the autumn of that year ; stayed in Cambridge in Trinity College and in London in Southwark ; received before his return to Ireland degree of doctor of divinity from Cambridge University ; appears in Dublin in the opening days of 1567 ; was translated to the archbishopric of Dublin same year ; resided in his episcopal residences, St. Sepulchre in the suburbs of Dublin, and Tallaght on the southern border of the Pale ; visited England 1569 ; became keeper of the great seal 1573 ; was said then to have an infirmity in his leg which rendered his removal to England desirable ; was suggested as bishop of Oxford with the deanery of Wells *in commendam* ; was

superseded as keeper 1576; expressed himself desire for translation to an English bishopric; was accused at court of puritanical practices 1577; embarked for England to defend himself, but was driven back by contrary winds; acted as keeper of the great seal in the absence of the chancellor 1577-8; came to England in autumn of the latter year; acted again in the absence of the chancellor as keeper with judicial power in 1579-80 and in 1581; became chancellor in the latter year; was suggested again for an English bishopric 1582; expressed, on account of his age and infirmities, unwillingness to leave his present state; acted as a lord justice 1582-4; built the castle of Rathfarnham near Dublin at that time; opposed Lord Deputy Perrot in regard to the conversion of St. Patrick's Cathedral into a university, and was afterwards constantly in conflict with him 1584-8; complained of Perrot's interference with him in the discharge of his judicial functions; was highly esteemed by Perrot's successor, Sir William Fitzwilliam, 1588-94; was mentioned then as one whom Burghley had thought more meet for the bishoprics of Durham, Ely, and London than anyone in England; did not escape, however, allegations of corruption, which was said to cause "angels, beasts of the field, and fowls of the air to fly and run to Rathfarnham" and of using his position unduly to advance his family; sought leave unsuccessfully to wait on the queen; acted as a commissioner in negotiations with the Earl of Tyrone 1594; accompanied, in spite of his "old and sickly body," Lord Deputy Russell to Connaught 1595; lost his wife same year; sent Sir Robert Cecil, the future Earl of Salisbury, a deer's head, couches, and twenty-four tons of touchstone 1596-7; acted again as a lord justice 1597-9; expressed his gratitude that the queen had been pleased to repair his poor credit; fell again into disfavour before the end of his government, and "languished in sorrow for want of the queen's friendly grace"; became once more a lord justice 1599; was subjected to renewed charges of deferring the interests of the state to those of his own family and of neglecting his diocese 1600; protested that he had preferred the queen's service to his life and prostrated himself and his grey hairs before her; received acceptance of his explanations; was confirmed in office by James I, 1603; did not afterwards take a prominent part

in public affairs ; died in Dublin at St. Sepulchre's 1605 ; was buried in St. Patrick's Cathedral ; is said to have had twenty children and became through those who survived progenitor of the Marquesses of Ely and of many distinguished Irishmen. [Dict. Nat. Biog. ; Cooper's Ath. Cantab. ; Ware's Bishops ; Mason's Cath. of St. Patrick, pp. 165, lvii ; County Dublin, ii, 117.]

**575 John Durning ;**

appears as usher of the exchequer 1556 ; was appointed third baron 1575 ; died in or before 1592.

**576 William Gerard, knight ;**

was son of Gilbert Gerard of Ince in Lancashire and Eleanor, daughter of William Davison, an alderman of Chester, and was cousin of Sir Gilbert Gerard, master of the rolls in England, from whom the earls of Macclesfield of the Gerard family descended ; entered Gray's Inn 1543 ; was called there to the bar 1546 ; became an ancient 1552 ; was returned as member for Preston 1553 ; became the queen's attorney in Wales 1554 ; was returned as member for Chester 1555 ; became recorder of Chester 1556 ; was re-elected member for Chester 1558 ; became justice of the Brecknock circuit 1559, and a member of the council of Wales 1560 ; was elected reader in Gray's Inn, but did not act by reason of sickness in the latter year ; became vice-justice of Chester 1561 and vice-president of Wales 1562 ; was re-elected member for Chester 1563, 1571, 1572 ; continued its representative until his death ; went to Ireland as chancellor in the summer of 1576 ; was given like Weston in augmentation of his income the deanery of St. Patrick's ; was in favour of coercive government ; criticised the administration of justice and asked for Englishmen as judges ; insisted upon necessity of circuits every year ; acted himself as a justice of assize ; supported Lord Deputy Sidney in trying to suppress the agitation for the abolition of the cess 1577 ; went to England to report these proceedings to the queen in the autumn of that year ; did not return until the summer of 1578 ; appears then in favour of conciliatory methods ; accompanied Lord Justice Drury to Newry to negotiate there with Turlogh O'Neill in the winter ; complained of ill-health while in England and after

his return ; proposed to act again as a justice of assize and travelled through the Pale to muster the militia 1579 ; was knighted by Lord Justice Pelham on his arrival in the autumn of that year ; went afterwards to England ; was detained by sickness at Chester ; became master of requests in England ; appears in London seeking release from the chancellorship in the spring of 1580 ; returned to Ireland during the Baltinglas rebellion ; was nominated chief commissioner for ecclesiastical causes ; became very ill ; returned to Chester in the opening weeks of 1581 ; hoped then to be able soon to crawl to the queen, but his death occurred a few months later ; was buried in Chester in St. Oswald's Church ; married Dorothy, daughter of Andrew Barton of Smithhills in Lancashire ; and left issue ; displayed both in Wales and Ireland a talent for historical research. [Dict. Nat. Biog. ; Williams's Great Sessions in Wales, p. 126 ; Mason's Hist. of St. Patrick, p. 172.]

**1577 Robert Dillon, knight ;**

was eldest son of Thomas Dillon of Riverston and Anne, daughter of Sir Thomas Luttrell, and was grandson of Sir Bartholomew Dillon ; appears in Lincoln's Inn acting as escheator 1560 ; had a quarrel there with Nicholas Nugent and was bound to keep the peace same year ; was called to the bar there 1567 ; appears as the first puisne justice of Connaught 1569 ; was described as of Balrath in co. Meath ; was recommended by Chancellor Weston and Archbishop Loftus to be master of the rolls, and was given office of chancellor of the exchequer 1572 ; was described then as of Riverston ; visited England in the hope of receiving " good liking " for his service 1573 ; was appointed second justice of the Common Bench 1577 ; was mentioned on the death of his great-uncle as likely to succeed him in the chief seat, but was passed over in favour of Nicholas Nugent 1580 ; visited England and petitioned for removal of Nugent 1581 ; was appointed in room of Nugent chief justice of the Common Bench same year ; was knighted a few months later ; took a foremost part in suppressing the rising under William Nugent and in the prosecution of his predecessor 1582 ; was reputed to be the wealthiest commoner in the Pale 1586 ; became a commissioner for the settlement of Connaught 1589 ; was censured for the part taken by him ;



endeavoured to propitiate members of the English privy council by gifts of horses and hawks; was alleged subsequently to be guilty of injustice and corruption and of cruelty to his mother, and finally charged with treason, felony, and disloyalty; was placed under restraint 1591; became the subject of prolonged judicial inquiries of which Lord Delvin and William Nugent were the promoters; was superseded as chief justice of the Common Bench, but was allowed to resume his seat in the council 1593; went to England same year; was restored to the chief justiceship of the Common Bench 1595; died at Riverston 1597; was buried in the church of Tara; married twice, first Eleanor, daughter of Thomas Allen of Killeel in co. Kildare, and secondly, Catherine, daughter of Sir William Sarsfield of Lucan in co. Dublin. [Dict. Nat. Biog.]

**1578 Roger Mainwaring;**

was a native of Nantwich in Cheshire and was owner there of "a capital messuage"; appears in Ireland with Sir Edward Fitton of Gawsworth in Cheshire, then president of Connaught and afterwards vice-treasurer of Ireland, whose daughter he married 1571; became chief remembrancer of the exchequer 1575; received a licence to go to England 1577; was appointed third baron of the Exchequer 1578; received a licence some months later to go again to England; was superseded in office of chief remembrancer 1583; was summoned from Nantwich to help the auditor of Ireland 1585; died 1590; was succeeded by his son, Richard, then thirteen years of age.

**1578 Edward Fitzsimons;**

was a native of Dublin; entered the Inner Temple 1555; appears in Ireland 1563; was appointed then justice of the liberty of Wexford; became attorney-general 1570 and serjeant 1575; was residing then at the grange of Baldoyle near Dublin; acted as master of the rolls in room of Sir Nicholas White 1578; died 1593; had a son, Christopher, who appears in 1581 as a recusant.

**1578 Richard Segrave;**

was a kinsman of the former Richard Segrave and was son and heir of Patrick Segrave of Killeghland in co. Meath;



succeeded his father when a minor 1552 ; entered Gray's Inn 1560 ; was appointed second baron of the Exchequer 1578 ; acted as one of the commissioners for the trial of Nicholas Nugent 1582 ; died 1598 ; was buried in Killegland church ; married twice.

**1581 Michael Cusake ;**

was a cadet of the great Meath family, and described as of Rathaldron in that county ; became third baron of the Exchequer 1581 ; accompanied Chief Justice Dowdall to Ulster 1583 ; was said to be a simple-minded man, wholly governed by his chief, Sir Lucas Dillon, 1590 ; died same year.

**1581 William Bathe ;**

was probably a son of John Bathe ; entered Lincoln's Inn 1557 ; acted there as escheator 1558 ; was called to the bar there 1563 ; appears as recorder of Drogheda 1567 ; was in possession of Athcarne in co. Meath 1569 ; had a high reputation as an authority on municipal law 1580 ; was appointed second justice of the Common Bench 1581 ; built a bridge near Athcarne 1587 and rebuilt the castle of Athcarne 1590 ; was nominated as a justice of assize in Ulster 1591 ; appears holding sessions in Cavan, Monaghan, and Carrickfergus 1592 ; was afterwards said to be in bad health with judgement and memory impaired ; died 1597 ; married Janet Dowdall, who survived him and erected a cross at Athcarne to his memory. [Hogan's Distinguished Irishmen, p. 363.]

**1583 Edmund Butler ;**

was a kinsman of the Earls of Ormond ; entered Gray's Inn 1556 ; appears in Ireland as a leading member of the bar 1567 ; was described then as of Kilkenny ; appears as attorney of Tipperary 1572 ; was suggested as a future chief justice of the Common Bench 1573 ; acted as deputy attorney-general 1578-80 ; was described then as of Callan ; became attorney-general 1582 ; was appointed second justice of the Queen's Bench 1583 ; was recommended to be chief justice of the Queen's Bench 1584 ; died same year ; said in regard to his native county of Kilkenny that it would not want thieves, even if two hundred were hanged each year.

**1585 Nicholas Walsh, knight ;**

was probably a son of James Walsh, who was mayor of Waterford in 1547 ; was born in that city ; was brought up by Sir Nicholas White, and was a favourite of the Earl of Ormond ; entered Lincoln's Inn 1561 ; was recorder of Waterford ; became the second justice of Munster on the establishment of the presidency 1570 ; appears in correspondence with Lord Deputy Fitzwilliam and Lord Burghley 1573-4 ; was promoted to be chief justice of Munster 1576 ; came to Dublin at the request of Lord Deputy Perrot, to whom, while president of Munster, he had been well known 1585 ; became then second justice of the Queen's Bench ; was elected also member for Waterford and acted as speaker in Perrot's parliament ; delivered an oration on its dissolution 1586 ; went afterwards to England ; was said then to be the wealthiest commoner in Munster ; became a member of the Irish council and received a promise of any " office of advancement and credit " that might become void ; appears in the possession of a residence at Clonmore on the border of cos. Waterford and Kilkenny 1588 ; was given licence to export wheat of his own growth ; solicited appointment as chief baron 1592 ; was recommended for that office by Lord Deputy Fitzwilliam and others of English birth, but was suspected of favouring Perrot and was removed from the Irish council and threatened with a trial in the Castle Chamber ; held assizes at Maryborough in the spring of 1593 ; was restored to the council same year ; became chief justice of the Common Bench 1597 ; was knighted at the same time ; appears at Waterford during the Earl of Tyrone's rebellion in danger of his life and unable to reach Dublin by land 1598-1600 ; was at Waterford when James I succeeded to the throne 1603 ; endeavoured unsuccessfully to persuade the corporation to proclaim James and was attacked ; escaped with his life only through his nearness of blood to some of the rioters ; held assizes at Kilkenny in the winter of 1604, and in co. Kildare and Queen's co. in the spring of 1605 ; asked for the coif in order to be on an equality with the chief justice of the King's Bench and the chief baron 1601 ; sent then the Earl of Salisbury a present of a falcon ; acted as justice of assize in Munster twice that year, in spring with the attorney-general, Sir John Davies, and in summer with

a baron of the Exchequer ; acted as treasurer of the King's Inns 1609 ; was reported to be old and weak 1611 and was allowed to resign his seat on the bench 1612 ; died 1615 ; married twice, first Catherine Comerford and secondly Jacquet, daughter of Sir Anthony Colclough of Tintern Abbey, co. Wexford. [Falkiner's Essays, p. 231.]

**1586 Robert Gardener, knight ;**

was son of Thomas Gardener of Shimpling in Suffolk ; was born 1540 ; entered Lincoln's Inn 1562 ; acted as Christmas steward 1566 ; was called to the bar 1570 ; acted as steward of the reader's dinner 1579 ; was called to the bench 1582 ; acted as reader 1585 ; was sent to Ireland as chief justice of the Queen's Bench 1586 ; became then a serjeant ; received exceptional powers of oversight as regards the Common Bench and Exchequer ; lost his only daughter and one of his three wives 1586-7 ; became a strong opponent of Lord Deputy Perrot and closely allied with Archbishop Loftus 1587 ; acted in Munster as a commissioner in regard to the Desmond forfeitures 1588 ; appears in England at Livermere in Suffolk 1590 ; complained then of ill-health ; was again in England in the spring of 1591 ; was then knighted by the queen ; took a foremost part in negotiations with the Earl of Tyrone in the spring of 1594 and early in 1596 ; went after the latter negotiations to England to report to the queen ; solicited then leave to retire ; went to England again in the winter ; was given leave to retire in a year, but was appointed at the expiration of that period a lord justice with Archbishop Loftus 1597 ; fell then into disfavour with Elizabeth ; gave active help in the suppression of the Earl of Tyrone's rebellion 1598-9, and against the Spanish invaders at Kinsale 1601-2 ; was mentioned then as superintending a hospital ; visited England 1602 ; retired after accession of James I 1603 ; was sent afterwards to Jersey and Guernsey to settle the government of those islands ; appears at court advising as to Irish affairs 1607 ; was in Suffolk administering local affairs 1609 ; founded an almshouse at Elmswell 1614 ; was then residing at Pakenham ; died 1620 ; was buried in Elmswell Church ; married three times, firstly Anne Cordell, a kinswoman of John Cordell, master of the rolls in England, secondly Thomasine, daughter of John Barker of Ipswich,

and thirdly Anne, widow of John Spring of Pakenham ; left no issue ; was succeeded at Elmswell by a sister's son. [Nichols's Bibl. Top. Brit. ; Metcalfe's Visitations of Suffolk ; Harleian Soc., lxi. 31.]

**1590 John Elliott, knight ;**

was son of Thomas Elliott, sometime master gunner in Ireland, of Balreask in co. Meath ; was born 1546 ; appears as a member of Lincoln's Inn 1587 ; became then clerk of the crown and peace for cos. Down, Cavan, Monaghan, and Fermanagh ; was appointed third baron of the Exchequer 1590 ; received commendation for his diligence and pains 1595 ; appears then in possession of Balreask ; was employed in negotiations with the Earl of Tyrone 1596 ; was sent to Ulster to indict the Earls of Tyrone and Tyrconnel in the winter of 1607 ; became treasurer of the King's Inns same year ; was knighted 1609 ; appears in attendance on the house of lords 1615 ; acted often as a justice of assize ; died 1617 ; was buried at Balsoon in co. Meath ; married four times, firstly Joan, daughter of Thomas Might ; secondly Ismay, daughter of Christopher Rochfort of Kilbride ; thirdly Eleanor, daughter of Robert Ussher, of Santry, and widow of Walter Ball and Robert Conway, both of Dublin ; and fourthly Alice, daughter of Hugh Kennedy, and widow of John Arthur, both of Dublin. [Irish Memorials Assoc., vi. 589.]

**1590 Henry Burnell ;**

was a descendant of Robert Burnell and a son of John Burnell of Castleknock near Dublin ; entered Lincoln's Inn 1561 ; was appointed recorder of Dublin 1573 ; appears in London as counsel for the Earl of Kildare 1575 ; became prominent in the agitation against the cess 1577 ; went to London on behalf of the Pale and was there committed to prison, first in the Fleet and afterwards in the Tower ; arranged finally a composition ; visited England again 1583 ; resided at Castleknock ; appears as knight of the shire for co. Dublin 1585 ; opposed successfully the measures of the government ; was appointed third justice of the Chief Place for one term 1590 ; appears as a leading recusant 1605 ; was placed for a time under restraint ; was tried subsequently in the Castle Chamber for tampering with a deed concerning the Earl of Kildare and fined ; died 1614 ;



married a daughter of the family of O'Reilly of Cavan ; is said to have been one of the best speakers and most learned lawyers of his day in Ireland. [County Dublin, vi. 19.]

**1590 Gerald Dillon ;**

was a brother of Sir Robert Dillon the second ; appears as clerk of the crown in the Queen's Bench 1590 ; was appointed third justice of the Queen's Bench same year ; became involved in the accusations against his brother and was committed to prison ; appears as clerk of the crown 1605.

**1593 Thomas Dillon ;**

appears as of Proudstown in co. Meath ; was possibly a son of Richard Dillon ; entered the Inner Temple 1559 ; became justice of the liberty of Wexford 1570 ; appears in Connaught 1571 ; acted there as a commissioner to determine causes 1576, and became chief justice of the province 1577 ; earned a high reputation for integrity and justice ; was suggested as chief justice of the Queen's Bench 1582 ; received commendation for his faithfulness to the church and state 1587 ; was appointed third justice of the Common Bench 1593 ; continued, however, to devote his attention to Connaught ; became involved in disputes with the President, Sir Richard Bingham, and was committed to the castle of Dublin 1596 ; was restored to favour 1597 ; suffered great losses during the Earl of Tyrone's rebellion ; resided then at Curraghboy ; died 1606 ; was buried in Dublin ; married Alice, sister of Sir Francis Shaen and left issue ; is now represented by Lord Clonbrock.

**1593 William Weston, knight ;**

was eldest son of Hugh Weston of Weston in Gloucestershire and was probably a kinsman of Chancellor Weston ; matriculated in Oxford University from Christ Church 1564 ; entered the Middle Temple same year ; graduated at Oxford as bachelor of arts 1569 ; was called to the bar in the Middle Temple 1575 ; became a bencher and acted as reader 1585 ; was elected member for Weymouth early in 1593 ; went to Ireland as chief justice of the Common Bench a few months later ; received then knighthood ; was given a house in the



precincts of St. Patrick's Cathedral; went as justice of assize to Ulster that summer; complained of disorder in his court; died in the autumn of 1594; married and was survived by his wife and a son.

**1593 Robert Napper, knight;**

was third son of James Napper of Swyre, in Dorsetshire, an ancestor of the baronets of that name of Middlemarsh Hall in that shire; appears as a fellow of Exeter College, Oxford, 1569-61; graduated as bachelor of arts 1562; entered the Middle Temple 1566; was returned as member for Dorchester 1586; was fined for not acting as reader in the Middle Temple 1588; purchased Middlemarsh Hall 1592; went to Ireland as chief baron of the Exchequer 1593; received then knighthood and was elected a bencher of the Middle Temple; complained soon after his arrival in Ireland of insufficient emolument and of sickness; went to England in the summer of 1596; appears in London in the summer of 1597; was suggested as chief justice of the Common Bench in that year; visited England in the spring and again in the winter of 1599; was on the latter occasion, when going to England, nearly shipwrecked at Holyhead; married then his only son, who was under twelve, to a girl who was under ten; returned finally to England in the winter of 1600; was superseded as chief baron 1601; was returned as member for Bridport 1601 and for Wareham 1603; was high sheriff of Dorsetshire 1606; died 1615; was buried in Great Minterne Church in Dorsetshire; married twice, first Catherine, daughter of John Warham and secondly, Magdalen, daughter of Sir Anthony Denton. [Dict. Nat. Biog.]

**1593 Anthony St. Leger, knight;**

was son of George St. Leger and Thomasine, daughter of John Heath of Kent, and was nephew of Sir Anthony St. Leger, sometime lord deputy of Ireland; entered Gray's Inn 1562; was called to the bar 1574; became an ancient 1579; acted as reader 1589; married Eleanor, daughter of Richard Markham of Sedgebrook in Lincolnshire; went to Ireland as master of the rolls 1593; was then knighted; acted as a commissioner in negotiations with the Earl of Tyrone and became one for the

plantation of Munster and for ecclesiastical causes 1594; went on a visit to England 1598; lost while there his wife 1599; appears in England again 1600; married as his second wife Mary, daughter of Francis Southwell of Wyndham Hall in Norfolk, who had been previously married three times; lost her in Dublin 1603; accompanied the lord deputy on a journey through Munster same year; visited England 1604; acted as a justice of assize in Leinster in the spring of 1605; was a commissioner of the great seal same year; acted as a justice of assize in Westmeath in the spring and in Meath in the summer of 1606; sent the Earl of Salisbury a goshawk same year; visited England to report on Ireland 1607-8; appears there again 1609; was given then permission to retire and make his abode in England; appears afterwards advising as to Irish affairs; solicited office of master of requests; died 1613.

**1598 Patrick Segrave;**

is described as of Killegland in co. Meath; was probably a son of Richard Segrave; married Mary, daughter of Sir Robert Dillon the second; was sent by his father-in-law to lords of the English council with presents of horses and hawks 1589; became second baron of the Exchequer 1598; was removed after trial in the Castle Chamber 1603; appears as a member of the King's Inns 1609.

**1599 William Saxey;**

was a native of Bristol; appears as of Staples Inn 1576; entered Gray's Inn then; enjoyed a practice worth five hundred pounds a year 1594; went then to Ireland as chief justice of Munster; was accused of partiality and corruption 1596; visited England without leave 1597; indited lengthy letters to English statesmen on the condition of Ireland; fled from Ireland at the beginning of the Earl of Tyrone's rebellion 1598; was appointed second justice of the Chief Place 1599; appears again in Munster at the close of that year; was then in conflict with the other servants of the crown; was described as a "Timon that endureth no man"; left Ireland again without leave 1600; appears at Poole in Dorsetshire and afterwards at court; returned to Munster later in that year; represented his inability from age to discharge the duties of his two judicial offices; solicited

office as chief baron ; visited England to further his suit 1602 ; retired from office before 1606 ; appears afterwards soliciting a place on the council of Wales or the office of baron of the Exchequer in England 1609 ; married and had seven children ; compiled, on the termination of his connexion with Ireland, a treatise on that country.

**1600 Patrick Fitzgerald ;**

was a cadet of the house of Kildare ; appears as recorder of Dublin 1599 ; acted during sickness of William Bathe as second justice of the Common Bench ; was appointed on Bathe's death to that place 1600 ; was said to be learned in the laws and a member of the established church ; was superseded in a few months.

**1600 Peter Palmer ;**

appears as a student in Lincoln's Inn 1562 ; was described as of Waddesdon in Buckinghamshire 1567 ; was called to the bar in Lincoln's Inn 1579 ; was fined for not acting as steward at the reader's dinner 1583 ; went to Ireland as second justice of the Common Bench 1600 ; appears as a justice of assize in Westmeath and Longford 1603, and at Drogheda 1608 ; was stated to be old 1611 ; appears, however, as a justice of assize in Leinster 1615-18, and retained his seat on the bench until his death in 1621 ; was buried in Dublin in St. Werburgh's Church ; left a widow whose maiden name was Newce and who died in 1625.

**1602 John Everard, knight ;**

was son of Redmond Everard of Fethard in co. Tipperary ; entered the Inner Temple 1578 and was called to the bar there 1590 ; became second justice of the Queen's Bench 1602 ; was knighted by Lord Deputy Chichester 1605 ; appears as a justice of assize in cos. Meath and Kilkenny 1603, and co. Louth 1606 ; was a judge of the Tipperary palatinate at that time ; gave great offence by his recusancy, but was permitted to retain his seat on the bench owing to his judicial qualities ; resigned voluntarily and was given a pension 1607 ; was said not to have favoured the cause of the Earl of Tyrone 1608 ; appears as a member of the King's Inn 1609 ; obtained a charter for almshouses founded by him at Fethard 1611 ; became knight of the

shire for co. Tipperary 1613; was nominated by the recusants as speaker; was afterwards summoned to England and was committed to the Tower; tried to appease feeling amongst the recusants; took a prominent part in parliament 1614–15; went again to England in the latter year; entertained the Earl of Cork at Fethard in the summer of 1624; died same year.

**1602 Edmund Pelham, knight;**

was fifth son of Sir William Pelham of Laughton in Sussex, and Mary, daughter of William, Lord Sandys, and was brother of Sir William Pelham, sometime lord justice of Ireland; entered Gray's Inn 1563; was called to the bar 1574; became an ancient 1579; was elected pensioner 1586; acted as reader 1588; was elected member for Hastings 1597; acted again as reader 1601; appears as a serjeant same year; went then to Ireland as chief baron; acted as a justice of assize in Donegal, being the first to do so, in the summer of 1603; visited England 1604; was knighted then by the king; acted as a justice of assize in Leinster in the spring of 1605; was a commissioner of the great seal same year; became very ill and was unable to sit in court 1606; went to Bath, and died on his way back to Ireland at Chester same year; was married and left issue, including a son who was possessed of Catsfield in Sussex; is now represented by the Papillons of Crowhurst. [Dict. Nat. Biog.]

**1602 George Robinson;**

appears as a commissioner concerning the cess in co. Cork 1592; acted, in the absence of the chief and puisne judge, as a justice of the Common Bench 1602.

BOOK III  
SOVEREIGNS—JAMES I TO JAMES II  
YEARS—1603 TO 1690





## CHAPTER I

### MONARCHISTS AND CROMWELLIANS

SOVEREIGNS—JAMES I TO THE INTERREGNUM.  
YEARS—1603 TO 1660

WITH the Ireland of fire and sword that darkens the history of this period, these pages have but incidental concern. For their purpose the period is associated with the Ireland over which the poet-lawyer, Sir John Davies, breathed the spirit of statesmanship, the Ireland which the imperious Earl of Strafford sought to mould to his sovereign will, and the Ireland in which the cavalier-puritan, Henry Cromwell, bore a beneficent sway. It was for the judiciary a period of expansion. With the accession of James the First a new era came. The last remnant of Celtic rule had vanished with the Ulster confiscations, and the Pale had become an historical name. Business began to pour into the courts. Even no more than eight months after James's accession, the number of suits pending in them caused Davies, on his arrival as a law-officer, to deliver himself of the following dictum: "The people of this island, as it is observed 'of all the northern nations, if they suffer injustice, either in deed or but in their own opinion, resort presently to the sword to right themselves, being impatient of the delays that are found in the ordinary process of law, but being over-assubjected and their swords over-mastered, they appeal as willingly to the seats of justice and become the most litigious of all other.'" <sup>1</sup>

<sup>1</sup> Works of Davies, ii. xliii.

In the English legal system Davies had unbounded faith. It was the panacea, in his opinion, for all Irish troubles—"If justice be well and roundly executed here but for two or three years," he wrote, "the kingdom will grow rich and happy, and in good faith, I think, loyal, and will be no more like the lean cow in Pharaoh's dream and devour the fat of your happy realm of England."<sup>1</sup> Towards perfecting the circuit system, and supplying the bench with men of reputation in their profession, the weight of Davies's intellect and driving power was now directed, with the result that in ten years commissions of assize were being issued twice each year for every county in Ireland, and the bench had been strengthened by the appointment of additional judges, in whose choice experience as practising barristers was the first consideration.

The establishment of circuits as known in modern times was one of the greatest achievements of the Davies epoch. The evolution had begun a quarter of a century before under Chancellor Gerard. He proposed to hold sessions in the counties of Dublin, Kildare, Carlow, Kilkenny, Louth, Meath, Westmeath, Longford, and the King's county, and afterwards one of the judges is found in the Queen's county.<sup>2</sup> From that time sessions appear to have been held by the judges with some degree of regularity in those counties. Generally two presided, and probably leading local people were associated with them. In 1592-3 judges began to hold sessions in Cavan, Monaghan, Down, and Antrim,<sup>3</sup> and during the first decade of the seventeenth century judges began to hold assizes not only in the counties mentioned, but in every part of the country. They are found visiting in 1603 Donegal,<sup>4</sup> in 1605 Wexford, Derry, Armagh, and Tyrone,<sup>5</sup> in 1606

<sup>1</sup> Works of Davies, ii. lvi.

<sup>3</sup> Ibid., iv. 539; v. 141.

<sup>2</sup> S.P., Ire., ii. 97, 162; v. 97.

<sup>4</sup> Ibid., xii. 111, 161.

<sup>5</sup> Ibid., xii. 261, 321.

Waterford, Cork, Limerick, Clare, Tipperary, Fermanagh, Wicklow, and Connaught.<sup>1</sup> Finally in the summer of 1614 there appear mapped out for the judges five circuits, covering the whole of Ireland, and bearing names familiar to everyone acquainted with the Irish legal system—the Connaught, the Leinster, the Munster, the North-west, and the North-east. At first in the spring the country was only partially covered, but in the spring of 1617 the same circuits were assigned as in the summer, and for more than a hundred and fifty years, until a home circuit was carved out of them, they continued to be the usual division of the country for assize purposes.<sup>2</sup>

The judges were insufficient in number to supply each of the circuits with two, notwithstanding that the master of the rolls rode then regularly as a justice of assize, and the number had to be made good by the employment of the law-officers. Although he acted himself as a justice of assize, Davies was not in favour of the systematic employment of the law-officers in that capacity, and in the spring of 1604 he wrote to the Earl of Salisbury that there were not “judges enough to supply the circuits conveniently now Ulster is reduced,” and a year later he returned to the charge, saying that owing to the want of a competent number of judges to supply the circuits, it had been necessary to send commissioners into Ulster, which was then divided into three circuits.<sup>3</sup> By degrees, as the result of the pressure which Davies maintained, the number of judges was increased until eight years later, in 1612, it had risen from nine to twelve.

With the exception of the chancellor and one of the judges, the new members of the bench were all drawn from the English bar. Apart from the desire to obtain men of large professional experience, such a course had

<sup>1</sup> S.P., Ire., xii. 463–77, 562; xiii. 14.

<sup>2</sup> Summonister Rolls.

<sup>3</sup> S.P., Ire., xii. 155, 261.

become necessary owing to the extent that recusancy permeated the legal profession in Ireland. Even though holding the office of chief baron, Sir Lucas Dillon had been for five or six years before his death well known as a recusant, and ostentatiously absented himself from the services of the established church;<sup>1</sup> a puisne judge was compelled to retire soon after the accession of James the First on the same account;<sup>2</sup> and two of the commissioners sent into Ulster, the recorder of Dublin and the recorder of Drogheda, were notorious for recusancy, the latter being reputed to be “a lay brother of the Jesuits.”<sup>3</sup>

The extensive change in the constitution of the judicial bench under Davies's influence is shown in a striking manner by the following synopsis, in which the justices drawn from the English bar are marked with an asterisk :

1603.	1613.
Chancellor.	
Adam Loftus, abp. of Dublin.	Thomas Jones, abp. of Dublin.
Master of the Rolls.	
*Sir Anthony St. Leger.	*Sir Francis Aungier.
Chief and puisne justices of the King's Bench.	
*Sir Robert Gardener.	*Sir John Denham.
Sir John Everard.	*Christopher Sibthorpe.
	*William Sparke.
Chief and puisne justices of the Common Pleas.	
Sir Nicholas Walsh.	Sir Dominick Sarsfield.
*Peter Palmer.	*Peter Palmer.
	*Sir Charles Calthrope.
	*Gerald Lowther.
Chief and puisne barons of the Exchequer.	
*Sir Robert Napper.	*Sir William Methold.
Patrick Segrave.	*Sir John Blennerhasset.
John Elliot.	*Sir Robert Ogleshorpe.
	Sir John Elliot.

<sup>1</sup> S.P., Ire., iv. 365.<sup>2</sup> Ibid., xiii. 90.<sup>3</sup> Ibid., xii. 261.



It is very doubtful whether two men of such forceful character as Davies and Loftus could have worked together without friction, but the difficulty did not arise, for although he lived for two years after James's accession, Loftus took no part in the government of the country. During his long tenure of the chancellorship under Elizabeth—twenty-two years—he had been all-powerful. As a rule the lord deputies accepted his aid as that of a wise, temperate, and useful adviser, but one, Sir John Perrot, disregarded him, and in an attempt to overthrow Loftus, overthrew himself. On three occasions Loftus was left in charge of the country as senior lord justice, for periods respectively of twenty-one, sixteen, and five months, in times of stress when Ireland was convulsed by rebellion in the south and in the north, and although his conduct then, as well as at other times, did not escape attack, nay, even sometimes, the censure of Elizabeth, he emerged always with undiminished ascendancy. Notwithstanding that he never visited England after his appointment as chancellor, he retained there an unfailing friend in Lord Burghley, who had known him from his student days, and he found, after Burghley's retirement from office, that Burghley's regard for him was transmitted to his son and official successor, the Earl of Salisbury, who invoked Loftus's aid in connexion with the house that he built at Chelsea.<sup>1</sup> From letters that have been preserved it is evident that the fame of Rathfarnham Castle had reached England, and particularly in regard to a deer's head that Loftus had found in the grounds and on account of "its rare greatness" had set up in his hall. At Salisbury's request Loftus sent the head to him wishing "it might be the rarest monument in Christendom, or such one indeed as his love to his honour might the more appear in bestowing thereof upon him."<sup>2</sup>

<sup>1</sup> MSS. of Marquis of Salisbury, vi. 440; vii. 262.

<sup>2</sup> S.P., Ire., vi. 406.

Besides, he procured for Salisbury in Ireland couches, which he was careful to advise should be sent to England unpolished, and stone suitable for making door-cases, window-cases, chimney-pieces, and steps.<sup>1</sup> A man that could count on the friendship of the Cecils, through ill as well as good report, cannot have been as destitute of virtue as some have represented Loftus to have been, and in regard to attempts to transfer the credit of the foundation of Dublin University to others,<sup>2</sup> it may be observed that without the leadership of Loftus men in a lower position would have been powerless.

But conclusive proof of Loftus's great contemporary reputation is the fact that his immediate successor, as well episcopally as legally, was one modelled on him and allied closely to him by marriage, and that his second successor as chancellor was his nephew. His immediate successor, Thomas Jones, was in very truth a shadow of him, albeit a weak one. Like Loftus, to whom he was some fifteen years junior, he was a Cambridge man, and soon after taking there an arts degree, he went to Ireland as a member of Loftus's archiepiscopal household, and served frequently as a commissioner to hear ecclesiastical suits.<sup>3</sup> Like Loftus he gained a high reputation as a preacher; in that capacity he is found in the winter of 1581 trying to convert on their way to the scaffold three participants in the Nugent rebellion, who to his affliction would only reply "Vade, Satana! Vade post me, Satana!"<sup>4</sup> and in the autumn of 1583, rescuing from their "backwardness in the causes of religion" the citizens of Waterford, who proved more amenable.<sup>5</sup> Before the latter time, he had been given the deanery of St. Patrick's Cathe-

<sup>1</sup> MSS. of Marquis of Salisbury, vii. 31; S.P., Ire., vi. 153, 254.

<sup>2</sup> Dr. Mahaffy: *Epoch in Irish History*, *passim*.

<sup>3</sup> Fiant's *Eliz.*, *passim*.

<sup>4</sup> Brady's *St. Paps.*, p. 57.

<sup>5</sup> S.P., Ire., ii. 468.

dral, and thence he was promoted, while Loftus was a lord justice in 1584, to the bishopric of Meath, with a seat in the Irish council, inasmuch as Elizabeth was persuaded that, although Jones had become his brother-in-law, Loftus was not actuated in his recommendation of him by private affection, but by considerations of Jones's learning, wisdom, and virtue.<sup>1</sup> Thenceforward Loftus and Jones were as one. When Loftus complained of Perrot's toleration of recusancy, Jones thundered from the pulpit at the deputy's policy;<sup>2</sup> when Jones showed a tendency to compromise, Loftus is found before long doing the same;<sup>3</sup> when Loftus was unable to negotiate with the Earl of Tyrone, Jones proved an efficient substitute;<sup>4</sup> when Loftus was attacked for episcopal shortcomings in regard to Dublin, Jones was held up equally to odium in regard to Meath;<sup>5</sup> and when Loftus was vindicated and felt once more the glow of the queen's grace, Jones was also exonerated and basked in royal sunshine.<sup>6</sup>

There were indications, however, during the lifetime of Loftus that when removed from his side Jones was not the same man, and after Loftus's death, during the fourteen years that he held the great seal, Jones appears deficient in nerve, and self-centred and querulous. To some extent this may have been due to ill-health, for four years after his appointment as chancellor when in Ulster with Lord Deputy Chichester, he grew so "sickly and weak" that he had to be persuaded, much against his own will, to return to Dublin.<sup>7</sup> But from whatever cause there is no doubt that in the preceding year he had been strangely moved for one in his position by wild allegations made against him in truly Irish fashion by irresponsible persons. These

<sup>1</sup> Morrin's Pat. and Close Rolls, ii. 76.

<sup>2</sup> S.P., Ire., iii. 101; Brady's S.P., p. 113.

<sup>3</sup> S.P., Ire., iv. 436; v. 137.

<sup>4</sup> Ibid., vi. 483; vii. 86, 110.

<sup>5</sup> Ibid., ix. 273.

<sup>6</sup> Ibid., x. 267.

<sup>7</sup> Ibid., xiv. 285.

allegations included imputations of mendacity, belief in wizards, scandal-bearing, and interference with justice, and in addition to a general denial, Jones is found assuring Lord Salisbury that upon his salvation, he is a man of truth, and that in his conscience, nature, and judgement, he detests and abhors the black art as damnable, and seeking corroboration of his veracity from a lady acquaintance, and the puisne justices of the King's Bench.<sup>1</sup> But his susceptibility, which was regarded by his enemies as a huge joke, led to further allegations, and he is finally found laboriously penning a letter in Latin, a language to which he had been a stranger for forty years, to the king to repudiate the imputations against his integrity and to claim protection.<sup>2</sup> Later on he appealed to Lord Salisbury to save him from the unreasonableness of suitors in his court,<sup>3</sup> and to the Irish house of commons to protect him from attempts at bribery on the part of one of its members, whom, on his tendering an apology, Jones "being very sorry that he should so plunge himself into a world of troubles, with tears in his eyes, freely forgave."<sup>4</sup>

But during the close of Elizabeth's reign and the Davies epoch—between the years 1586 and 1620—the King's Bench was presided over by a series of men who had made their mark at the English bar, Sir Robert Gardener, Sir James Ley, Sir Humfrey Winch, Sir John Denham, and Sir William Jones, and their influence must have gone far to give stability to judicial procedure in Ireland. Although in that country, to which he went in the first year of James's reign as Gardener's successor, for only four years, Ley shed lustre on the place held by him, and when afterwards chief justice of England, he left the bench to become as Earl of Marlborough, successively lord treasurer and

<sup>1</sup> S.P., Ire., xiii. 458-61; xiv. 107-12.

<sup>2</sup> Ibid., xiv. 330.

<sup>3</sup> Ibid., xv. 182.

<sup>4</sup> Commons' Journals, Ire., i. 34, 47.



president of the council, and to be sung by Milton in the lines :

that good earl, once president  
Of England's council and her treasury,  
Who liv'd in both, unstain'd with gold or fee,  
And left them both, more in himself content,  
Till sad the breaking of that parliament  
Broke him, as that dishonest victory  
At Chæronea, fatal to liberty,  
Kill'd with report that old man eloquent.<sup>1</sup>

Even in his early days, Ley, who is now known as a legal author, was recognized as erudite in his profession, and was also remarkable in devoting his leisure hours to historical study, which induced him, while in Ireland, to prepare for publication some of its early annals. From a letter addressed by him many years later to the Earl of Cork, it is evident that his residence in Ireland was a pleasant memory, and in regard to this letter, to which he subscribed himself as the recipient's "ever affectionate and very loving friend," it may be remarked that its tone goes far to dispel disparaging statements which have been made as to Ley's character.<sup>2</sup>

Winch, Denham, and Jones were all similar to Ley in obtaining seats on the English bench, and Winch and Jones were similar to Ley in being legal authors, Jones indeed having a further similarity in being addicted to historical research. Again, like Ley, their stay in Ireland was not long. Although they had both held there the office of chief baron prior to that of chief justice, Winch and Denham, who was the father of the poet, were there altogether only for five and eight years respectively, and Jones was there only for three. But their services were regarded as of

<sup>1</sup> Sonnet to the Lady Margaret Ley,

<sup>2</sup> Lismore Papers, 2 S., ii. 23.



much value, and in a valedictory address to Jones on the eve of his departure for Ireland, Bacon placed Ley, Winch, and Denham on the same plane as Gardener, whose term of office had extended to seventeen years: "The place that you shall now serve in, hath been fortunate to be well served in four successions before you; do but take unto you the constancy and integrity of Sir Robert Gardener, the gravity, temper, and discretion of Sir James Ley, the quickness, industry, and dispatch of Sir Humfrey Winch, the care and affection to the commonwealth and the prudent and politic administration of Sir John Denham, and you shall need no other lessons."<sup>1</sup>

As a rule, unless they obtained transfer to the English bench, English barristers who went to Ireland then as judges, remained there for life. There were, however, a few exceptions. In the case of the chief justices of the King's Bench, Sir Robert Gardener, after his seventeen years' service in Ireland, returned to England to spend another seventeen years as a country gentleman in Suffolk, his native county; in the case of the chief barons, Sir Robert Napper, after only eight years' service, returned to England to spend the last fifteen years of his life as a member of the English parliament and country gentleman in Dorsetshire his native county; and in the case of the masters of the rolls, Sir Anthony St. Leger, after sixteen years' service, returned to England to spend the last four years of his life in pursuit of office there. As chief baron, Napper had been succeeded in 1602 by a man older than himself, who had been a member of Gray's Inn forty years, Sir Edmund Pelham, a brother of a former chief governor of Ireland, and sometime a parliamentary representative of Hastings near his ancestral home in Sussex. He survived his appointment only four years, but during them, he had the notable experience of being

<sup>1</sup> Bacon's Works, xiii. 205.

the first judge to hold assizes in Donegal, where the people "reverenced him as if he had been an angel sent from heaven, and prayed him upon their knees to return again to minister justice unto them."<sup>1</sup> To Pelham succeeded in turn Winch and Denham, and after their short terms the seat of chief baron was given in 1612 to Sir William Methold, who was like them a bencher of Lincoln's Inn, and is believed to have devilled for the attorney-general of England.<sup>2</sup> All the common law chiefs sent from England were made serjeants before going to Ireland, and their right to wear robes of many colours made Sir Nicholas Walsh, who continued until 1612 chief justice of the Common Pleas, very envious.<sup>3</sup> He was succeeded by another Irishman, Sir Dominick Sarsfield, who resembled him in being a native of the south of Ireland with very ample means, and in having served first in the Munster presidential court, and afterwards as a puisne judge in the King's Bench.

The first three English barristers appointed during the Davies epoch in 1605 and 1606, as puisne judges, Sir Robert Oglethorpe, Geoffrey Osbaldeston, and Sir Charles Calthrope, were not happy selections. Although he continued on the bench for upwards of twenty years, Oglethorpe proved soon to be but a very poor judge;<sup>4</sup> within two years Osbaldeston was found so inefficient that he was relegated to the presidential court of Connaught; and although he continued on the bench for ten years, Calthrope, who had been for twenty years attorney-general, and was seventy years of age, was worn out. In addition Peter Palmer, who had been appointed to the Common Pleas in the closing years of Elizabeth's reign, was very advanced in years. But in the next five years four puisne seats were filled by

<sup>1</sup> S.P., Ire., xii. 111.

<sup>2</sup> Black Books of Lincoln's Inn, ii. p. xvii.

<sup>3</sup> S.P., Ire., xii. 484, 517.

<sup>4</sup> Ibid., xv. 79.

English barristers of ability in the full vigour of life, Christopher Sibthorpe, John Blennerhasset, Gerard Lowther, and William Sparke, all of whom were subsequently knighted in recognition of their merit.

A very remarkable circumstance in connexion with Sibthorpe, Blennerhasset, and Lowther is that they combined membership of the house of commons with seats on the bench, and in the Irish parliament of 1613–15 they represented respectively, Limavady, Belfast, and Tallow, three newly-formed boroughs, the first two in the north and the last in the south. Precedent for such a position—and it was probably not the first—was to be found in the parliament of 1585–6, when Sir Nicholas Walsh had been given the place of a puisne judge in order to facilitate him in entering the house of commons and becoming speaker.<sup>1</sup> Of the three judicial members of Jacobean times, Sibthorpe was the only one who has left a mark, but he appears as one of the foremost debaters and took a leading part in the business of the house.<sup>2</sup> At the same time the judges were all supposed to be in attendance on the house of lords, and apparently those who were members of the lower house were not always excused, as on one occasion Blennerhasset is found conveying a message from the lords to the commons.<sup>3</sup>

Sibthorpe, who was a man of puritan type and had not always seen eye to eye with the Church, added to his judicial and legislative activities, theological study, and entered with avidity into the Roman controversy, the question of the hour in Ireland. Within a few years of his arrival there, he had a book in the press, which greatly interested Ussher, the foremost champion of protestantism,<sup>4</sup> and ten years later he published a

<sup>1</sup> S.P., Ire., iii. 101.

<sup>2</sup> Commons' Journals, Ire., i. 13, 17, 18, 36, 39.

<sup>3</sup> Ibid., p. 15.

<sup>4</sup> Ussher's Works, xv. 70.

treatise of some four hundred pages dedicated to King James to prove that "both the King's Supremacie and the Faith whereof his Majestic is the Defender are consonant to the doctrine delivered in the Holy Scriptures and writings of the ancient Fathers." To it was appended an epistle addressed to him by Ussher to show that "the Religion anciently professed in Ireland is, for substance, the same with that which at this day is by publick Authoritie established therein."<sup>1</sup> In his opinions Sibthorpe had a sympathizer in Chief Baron Methold, who delivered a diatribe on recusancy when one of the youngest aldermen was presented before him as mayor owing to the refusal of his seniors to take the oath of supremacy, and contended with the recorder as to the claim of the city to be called virgin, commenting in plain terms on the reason of the young man's "salmon leap" over grave and grey-headed men.<sup>2</sup>

On the other hand, the *beau monde* of Jacobean Ireland found an adherent in Blennerhasset, who was a kinsman of the founder of the Kerry family of that name. As a friend of the Earl of Cork and Viscount Drogheda, he appears arranging a child marriage, destined to come to an early end, between their offspring,<sup>3</sup> and on the office of chief baron falling vacant in 1621 by the death of Methold, social influence pointed him out as the fit successor. When death removed him and his wife their bodies were interred in the choir of St. Patrick's Cathedral with much heraldic pageantry, and funeral certification, which disclosed that one of their sons had gone to the newly discovered continent where he had been drowned in the river Amazon, and that one of their daughters had married

<sup>1</sup> A Friendly Advertisement to the pretended Catholickes of Ireland, by Christopher Sibthorp, Knight, Dublin, 1622.

<sup>2</sup> Desid. Curios. Hib., i. 284; Records of Dublin, iii. 577.

<sup>3</sup> Lismore Papers, 2 S., ii. 109.



an ancestor of Viscount Monck.<sup>1</sup> From Lady Blennerhasset's will some light was to be obtained of the possessions befitting then a chief judge's widow, the bequests comprising a coach and two horses, silver plate, which included bowls, salts, candlesticks, snuffers, a basin, a cwer and a can, a cabinet, beds, brass and pewter, besides her jewellery which included diamond and Turkey-stone rings and a butterfly pendant, and her clothes which included a border of pearls, a satin gown and green velvet petticoat, a tabby gown, and a tawny gown and petticoat.<sup>2</sup>

But the great social figure amongst the judges sent from England then was Sir Anthony St. Leger's successor as master of the rolls, Sir Francis Aungier, who was created Lord Aungier of Longford. He went to Ireland with an assured position as husband of the Earl of Kildare's sister and as a man of means. These means he had inherited from his father, a bencher of Gray's Inn and a Cambridgeshire landowner, who is remarkable in having been murdered by one of his own sons.<sup>3</sup> When he went to Ireland in 1609, Aungier was a man of over twenty-five years' standing at the bar, being like his father a bencher of Gray's Inn, but in Ireland he displayed extraordinary energy, riding circuit twice a year, and becoming an undertaker for the plantation of Longford. There he built a mansion,<sup>4</sup> and in Dublin he resided in one of the great residences provided by the suppression of the religious houses.<sup>5</sup> After his death in the autumn of 1632, it is probable that his body was interred without funeral pomp according to his desire in a little chapel near his town residence, but two months later a funeral pageant of extraordinary magnificence was held in St. Patrick's

<sup>1</sup> Funeral Entries, pp. 95, 119.

<sup>2</sup> Will dated 1638, April 19, formerly in Pub. Rec. Off., Ire.

<sup>3</sup> Cooper's Ath. Cantab., ii. 229.

<sup>4</sup> S.P., Ire., xvi. 340.

<sup>5</sup> A monastery of the White Friars. It lay near Dublin Castle, its site being now occupied by a street called after the Aungier family.



Cathedral and his body, or possibly, a wax image, was laid in the choir.<sup>1</sup> In "A Breefe Memoriall of Doctor James Spottiswood, Bishopp of Clogher"<sup>2</sup> a direct charge of corruption is made against Aungier, but, as the bishop thought the whole judicial bench was joined in a conspiracy against him, it is not entitled to much weight. His will bespoke Aungier as a man of integrity, singularly happy in his family relations, and with wide sympathies, evinced in a library of history, divinity, and "discourse," as well as of law, but, above all, it bespoke him as a master of detail, rivalling in that respect his contemporary the Earl of Cork, which may be judged from the following interesting inventory :

A Schedule of all such goods and chattels as I do give, bequeath, and appoint to my dear wife, the Lady Margaret Aungier.

Imprimis all her apparel, rings and jewels ; item my new coach and four coach-horses, lately brought out of England ; the silver tankard which she brought with her and the cup which my Lord Grandison gave unto her at our marriage ; the plain white silver salt ordinarily used at my table, together with the trencher-salt ordinarily used with the same ; six silver spoons marked with the carbuncle and three other old silver spoons ; the use of my silver basin and ewer, and the livery pots to the same belonging, during her life ; a perfuming pan of silver ; a pepper-box of silver-gilt ; a gilt casting-box ;<sup>3</sup> two silver tuns ; one maudlin-pot with a cover ; one silver porringer with a ewer ;

one red taffeta bed, curtains and valances ; one damask bed, yellow and green ; two little embroidered cushions ; one red taffeta carpet for a chamber ; two green taffeta window-cloths ; one green coarser window-cloth ; one little piece of needlework for a cupboard ; two chamber-carpets of needlework ; one child-bearing cloth of scarlet ; one great red window-curtain ;

one damask table-cloth ; one damask towel ; two dozen damask napkins ; two diaper table-cloths and two towels ; one dozen and a half of diaper napkins ; two fine chamber-

<sup>1</sup> Funeral Entries, p. 159.

<sup>2</sup> Edin. 1811, p. 40 et passim.

<sup>3</sup> I.e. dice-box.

towels of holland ; two pairs of holland sheets ; one pair of worse sheets ;

two big down-beds with the bolsters ; two feather-beds with the bolsters ; five flock-beds ; two down-pillows ; one great new caddow ;<sup>1</sup> six little new eaddows ; eighteen blankets and caddows ; one great red caddow ;

two diaper table-cloths ordinarily used ; eight worse table-cloths ; eight cupboard-cloths ; nine Irish-cloth towels ; six dozen of worse napkins ; one dozen of damask napkins ordinarily used ; five chamber-towels ; two pairs of new holland sheets ; three pairs of holland pillow-beres ; one pair of flaxen sheets ; five pairs of worse new sheets ;

six pairs of forest-work hangings ; three Turkey-work carpets used in the dining-room ; one chamber needlework carpet ; fourteen new high needlework stools ; two great needlework chairs ; two new low needlework stools ; one red velvet chair with two stools ;

half a garnish of new pewter ; two dozen of trencher-plates ; one great brass pot ; one lesser pot ; two brass pans ; two skillets ; one pewter cistern ;

all utensils and other things in my lady's closet ; all my household stuff in my house at Longford ; the andirons, fire-shovel and tongs used ordinarily in my dining-room at the Whitefriars ;

conditionally that my said wife shall hold herself satisfied with this for all my goods and chattels and shall deliver up the bond according to her agreement and promise.<sup>2</sup>

As years went on Davies took a decreasing part in Irish affairs, and finally in 1619 he resigned his office of attorney-general there. His tradition can be traced only in two further appointments, caused by the need of finding in 1617 a successor to Sir John Elliot as baron of the Exchequer, and in 1620 a successor to Sir William Jones as chief justice of the King's Bench. To fill these places there were sent to Ireland respectively,

<sup>1</sup> I.e. quilt.

<sup>2</sup> The will and inventory, both documents of exceptional interest, perished with the Pub. Rec. Off. of Ire. in 1922. The will was dated 1628 Nov. 26 and was proved 1632 Nov. 9. Both it and the inventory were in Aungier's own handwriting.

Lancelot Lowther, a younger brother of Sir Gerard Lowther, who had long held the office of solicitor to the queen consort, and who received an encomium from Bacon,<sup>1</sup> and Sir George Shurley, the head of a Sussex family, who had been a bencher of the Middle Temple for upwards of fifteen years.

In subsequent appointments under James the First and Charles the First, interest and the power of the purse played a large part. To a puisne seat in the Common Pleas on the death of Palmer there was appointed in 1622, John Philpot, a native of the Earl of Cork's paternal home in Kent,<sup>2</sup> on whose behalf the earl gave shortly before a useful *douceur* of fifty pounds to the lord deputy's controller.<sup>3</sup> To a puisne seat in the King's Bench on the death of Sparke there was appointed in 1623 Sir Edward Harris, who had been the greater part of his life chief justice of Munster, where he had made friends as well as money and inspired respect by a gold chain and jewel which he wore.<sup>4</sup> To a puisne seat in the Exchequer, in room of Oglethorpe, there was appointed in 1624 Sir Lawrence Parsons, who was the cousin and legal adviser of the Earl of Cork. To the chief seat in the Exchequer on the death of Blennerhasset there was appointed in 1625 Sir Richard Bolton, who had gained a high reputation at the Irish bar, but who had come to it in some mysterious way from his birthplace in Staffordshire without much previous training.<sup>5</sup> To a puisne seat in the

<sup>1</sup> Lib. Mun. Pub. Hib., ii. 51.

<sup>2</sup> Funeral Entry.

<sup>3</sup> Lismore Papers, 1 S., ii. 21.

<sup>4</sup> His own will dated 1632, May 12, and that of his widow dated 1638, Mar. 28, formerly in Pub. Rec. Off., Ire.

<sup>5</sup> He had been married at least ten years when he became a law student of the Inner Temple, and appears in Dublin acting as deputy-recorder four years after his entry at the Temple (Funeral Entries, p. 93; Records of Dublin, ii. 454). It has been stated that he came to Ireland to escape the results of a censure passed on him by the Star Chamber (Diet. Nat. Biog., v. 328).

Common Pleas on the death of Sir Gerard Lowther there was appointed in the same year, Samuel Mayart, who had offered to give three hundred pounds for it.<sup>1</sup> And on Sir Lawrence Parson's premature death in 1628 there was appointed in his room Gerard Lowther who was believed to be an illegitimate son of a brother of the other judges of that name.

At that time in Ireland the judicial office stood more than ordinarily high, as men of education were very few and the judges were regarded with awe, especially when on circuit, on account of their knowledge as well as their authority. Even the great Earl of Cork spoke of them with bated breath, and placed a high value on their friendship. Many of them appear amongst his correspondents and others amongst those to whom he gave presents. He sends falcons and goshawks to the chancellor, the chief justice, and the master of the rolls,<sup>2</sup> "a fair young gelding," of very special breeding, to the chief justice of Munster,<sup>3</sup> and Rhenish wine to the chancellor and the master of the rolls' wife,<sup>4</sup> and he gives to a puisne judge, Sir Gerard Lowther, a seat for his pocket-borough in Chichester's parliament, and exchanges with him falcons for roe-deer, to be procured probably from the judge's Cumberland home.<sup>5</sup>

The government lost no opportunity of aggrandizing the judges, and conferred honours upon them to a degree that has no parallel. In the year before Strafford arrived, 1632, there was not a judge on the bench who had not been knighted, and in addition the chancellor and the master of the rolls were peers and the chief justice of the Common Pleas a baronet and a peer :

Chancellor	.	.	.	Adam, Viscount Loftus of Ely.
Master of the Rolls	.	.	.	Francis, Lord Aungier of Longford.

<sup>1</sup> S.P., Ire., xvi. 546.

<sup>2</sup> Lismore Papers, 1 S., i. 226.

<sup>3</sup> Ibid., p. 85.

<sup>4</sup> Ibid., ii. 51.

<sup>5</sup> Ibid., p. 22.



Chief Justice of the King's Bench . . . . .	Sir George Shurley.
Justices of the King's Bench	Sir Christopher Sibthorpe.
	Sir Edward Harris.
Chief Justice of the Common Pleas	Dominick, Viscount Sarsfield of Kilmallock.
Justices of the Common Pleas	Sir John Philpot.
	Sir Samuel Mayart.
Chief Baron . . . . .	Sir Richard Bolton.
Barons . . . . .	Sir Lancelot Lowther.
	Sir Gerard Lowther.

Since the death of Elizabeth the burning questions in Ireland, religion and money, had been a source of perplexity to everyone connected with the government of the country—in a less degree during the strong administration of Chichester in which Davies was an actor, and in a greater degree during the weak administrations of Grandison and Falkland—and the appointment of Strafford was hailed as a relief by officialdom. Little was the future foreseen by anyone, and by none less than by the Irish chancellor and Strafford, who were destined to be in a few years deadly enemies. “It is now signified hither,” wrote the chancellor to Strafford, “that his Majesty hath declared your lordship for his deputy of this kingdom, which hath long waited for the guidance of so noble a personage, the fame of whose virtues and able parts is not limited within that kingdom, but hath hither outrun your own presence, and the report of your coming into this government, which, as well in respect of the good of this people and his Majesty’s service, as for my own particular, I have just cause heartily to desire a long continuance in so worthy hands.”<sup>1</sup> In reply to a welcome so wholehearted in its cordiality, Strafford could not but respond, and committed himself unreservedly to the opinion that “where his Majesty’s ministers in

<sup>1</sup> Strafford’s Letters, i. 64.



eminent places are not preserved in honour and reverence but undervalued, there his affairs must certainly suffer in them.”<sup>1</sup>

When Strafford arrived in Ireland in the summer of 1633 the office of chancellor had been held for fourteen years by Archbishop Loftus's nephew, Adam, Viscount Loftus of Ely. As his father, who was the archbishop's elder brother, inherited a small patrimony in Yorkshire which he augmented with the archbishop's help in Ireland,<sup>2</sup> Loftus had every advantage in education and entered public life as an alumnus of Cambridge University and of Lincoln's Inn. Before entering that inn he had obtained some clerical qualification—possible deacon's orders—which justified his uncle in giving him the dignity of an archdeaconry,<sup>3</sup> and from the inn, where he did not remain many years, he came to Dublin to practise as a civilian. From this practice it was his “hard fortune” to be called by the government to act as judge martial,<sup>4</sup> an office to which was soon added that of a master in chancery. At the same time, by a prudent marriage to the widow of a bishop, he strengthened a position, which was so considerable in the opening years of the seventeenth century as to be recognized by knighthood and a seat in the privy council. In addition he obtained the office of judge of the admiralty court, and was elected to Chichester's parliament as knight of the shire for the King's county, where he had acquired considerable property in conjunction with the abbey of Monasterevan on the border of county Kildare. When Archbishop Jones died in 1619, Loftus was without a moment's delay nominated his successor, and three years later, on becoming a lord justice, he was given a peerage, which was conferred for “faithful and industrious service in many kinds”

<sup>1</sup> Strafford's Letters, i. 70.

<sup>2</sup> Vict. Hist., Yorkshire, N.R., i. 222; S.P., Ire., i. 240, 315.

<sup>3</sup> S.P., Ire., iv. 587.

<sup>4</sup> Ibid., xvi. 553.

with the intention that his virtue might be recorded for future ages.<sup>1</sup> Although not his uncle's equal in mental attainments, Loftus was no whit inferior to him in strength of character, and closely resembled him in the tenacity with which he upheld his position and rights, as well as in making the foundations of a family the loadstone of his life. Events had served to confirm his natural self-confidence. During the administration of Falkland, with whom he was in frequent conflict, he had been summoned to the royal presence as the lord deputy hoped to receive a royal malediction, but had returned to Ireland with a royal benediction,<sup>2</sup> and owing to Strafford's long delay in taking the sword, he had been left for nearly four years chief governor of Ireland as senior lord justice. But in spite of the difficulty of two men of masterly mind working together, Strafford and Loftus might have done so, as they loved equally the power and pomp of government, if that inevitable source of Irish trouble, a family quarrel, had not come on the horizon.

The three common law chiefs in 1632 were not men of extraordinary distinction. Shurley, who had been chief justice of the King's Bench for thirteen years, was a man of judicial mind and kept himself aloof as far as possible from the questions of government. Sarsfield, who had been chief justice of the Common Pleas for over twenty years, was in mind diametrically the opposite to Shurley, but although he had nothing professionally to recommend him he had been loaded with honours as the only judge of Irish birth, in the hope of pleasing his compatriots. And Bolton, who had been chief baron for eight years, was a technical lawyer with a narrow outlook, willing to support the policy that higher authority ordained. To the places of master of the rolls and a justice of the King's Bench, which became vacant by the deaths of Aungier

<sup>1</sup> Lodge's *Peerage*, vii. 247.

<sup>2</sup> S.P., Ire., xvii. 234, 373, 379.

and Sibthorpe, Strafford secured the appointment respectively of his kinsman and confidant, Christopher Wandesford, who had qualified by entrance into Gray's Inn, and a Yorkshire henchman, Hugh Cressy, who combined fortunately loyalty to his patron with legal knowledge, being a bencher of Lincoln's Inn.

Within four months of Strafford's arrival in Ireland a *cause célèbre* in the history of the Irish judiciary reached its final stage. It was one unparalleled, the trial of a judge on a charge of having procured the conviction of an innocent man in a capital case in order to obtain pecuniary advantage. The judge was no less a person than the betitled Sarsfield, the sole judge of Irish birth, and the tribunal before which he was called to answer was the Star Chamber in London. His alleged victim was a resident in the county of Kildare, who was accused of murdering his wife. This Kildare resident, Philip Bussell by name, was an Englishman, a native of Devonshire, who had come from that shire to Kildare as tenant of Grangemellon, and the accusation was said to have originated in enmity, that he had incurred by the prosecution of a man of Irish birth, and a desire to profit by the confiscation of his goods which were estimated as worth from two to four thousand pounds. At two assizes the grand jury failed to find a bill, and their failure to do so was attributed, by Lord Deputy Falkland, to the weakness of the master of the rolls, Lord Aungier, who usually rode the Leinster circuit in which the county of Kildare lay. It was, therefore, arranged that at the summer assizes in 1625, Aungier's place should be taken by Sarsfield, whose name was a terror to evildoers, and who was represented as likely to be at an advantage owing to his having knowledge of the Irish language. According to the evidence given against him, on the morning of the second day of the assizes he saw the grand jury privately in the dining-room of the sheriff's house,

told them that they must accept hearsay evidence, and subsequently in court committed and fined some who would not agree and constituted a new grand jury who found from terror a bill. It was alleged that at the trial Sarsfield kept Bussell, who was a man of eighty years of age, in a part of the court where he could not hear the evidence owing to his being deaf, and "the then noise of the glass-windows by reason of a present storm," refused to allow evidence to be given on his behalf, and when one of the jury proved recalcitrant, suggested to the others that it might be well "to punch him and to pull him by the nose and by the hair of the head and beard," and told them "to make much of him that night, and he would make much of him next day." As a result, we are informed, Bussell was found guilty, condemned and executed for the murder of his wife, "although, as it clearly appeared, she died of a natural death." <sup>1</sup>

Before long the trial began to be questioned, and so great a person as the lord deputy was alleged to have hoped to benefit by Bussell's conviction, and to have plotted an unjust trial. At first the allegation was made privately with the idea that the lord deputy might buy off Bussell's son, but eventually it was made openly, and finally six years after Bussell's trial, the lord deputy brought his accusers before the Star Chamber on a charge of scandal.<sup>2</sup> He secured himself full satisfaction, but the conduct of Bussell's trial made a very bad impression, and as a sequel two years later Sarsfield was brought before the Star Chamber, where he was sentenced to pay two thousand pounds as a fine, and one thousand pounds as damages, and was committed to the Fleet and deprived of office.<sup>3</sup> It was proved

<sup>1</sup> Rushworth's Historical Collections, i. ii. 203; S.P., Ire., xviii. 26; Jour. Kildare Arch. Soc., i. 97.

<sup>2</sup> Star Chamber Cases, Camden Soc., 1886, p. 1.

<sup>3</sup> Rushworth, op. cit. The personages who presided were not unanimous (Strafford's Letters, i. 167).



undoubtedly that Sarsfield took a strong line and acted illegally in regard to the grand jury, but it is open to question whether he was actuated by a belief in Bussell's guilt or by pecuniary profit. That a man in his position should risk his reputation for what would have been at most a comparatively small amount seems incredible, and there was direct evidence against Bussell, showing ill-usage of his wife and a hurried interment of her body, as well as a very speedy second marriage. The strongest reason to assume Sarsfield's corruption is that Chancellor Loftus deposed that he had been approached by one of those anxious for Bussell's conviction, and told that it would be to his advantage to further it.<sup>1</sup> In connexion with this deposition it is, however, curious to observe that Loftus, who asserted, in spite of Falkland's opposition, the right of assigning the judges their circuits, refused to allow Sarsfield, who usually rode the Connaught circuit, to go the Munster on account of his private interests there,<sup>2</sup> but allowed him to go the Leinster for the purpose of trying Bussell.

It is not known whether Sarsfield's indictment was in any degree promoted by Strafford, who had been one of the lords presiding in the Star Chamber when Falkland's cause of scandal came on, but it may be assumed that Sarsfield's removal was not displeasing to him. Within a fortnight he was offered by the Earl of Cork a sum of no less than a thousand pounds on condition that Baron Lowther, who was the earl's connexion through his marriage to Baron Parson's daughter, was appointed Sarsfield's successor, and a sum of four hundred pounds more if another nominee of the earl was appointed Lowther's successor as baron.<sup>3</sup> In the result Lowther received promotion, but his seat in the Exchequer was given to a wealthy barrister of

<sup>1</sup> Rushworth, *op. cit.* ; Proceedings in Pub. Rec. Off.

<sup>2</sup> S.P., Ire., xix. 118.

<sup>3</sup> Lismore Papers, 1 S., iii. 220.



Irish birth, James Barry, the future Lord Santry, who possibly was willing to give more than the earl for it.

In the success of Strafford's first parliament Loftus, as chancellor, had no small share, and for nearly four years after Strafford's arrival, he received from him nothing save commendation and favour. But then Strafford espoused the cause of Loftus's daughter-in-law, a lady to whom he attributed every virtue under heaven, against Loftus and his wife whom he designated as "that fury,"<sup>1</sup> and arraigned Loftus before the Irish Star Chamber for non-fulfilment of an alleged marriage settlement. The resistance offered by Loftus enfrezzied Strafford, who sought to impose on his adversary the humiliation of kneeling before him, and finally kept Loftus in prison for sixteen months, until illness forced the latter to agree to Strafford's conditions, and to make his entire property over to trustees.<sup>2</sup> "As an eye-witness of all that was done," one of Loftus's successors in the chancellorship<sup>3</sup> has left it as his opinion that Loftus was most deserving, and that the proceedings against him were carried with a higher hand than anyone who was a stranger to them could imagine.

As members of the privy council the three common law chiefs seem to have given Strafford their support during this protracted duel;<sup>4</sup> and when after his release from prison, Loftus went to appeal to the king, Lowther accompanied Strafford to London, and displayed such care and ability as led Strafford to say that he would be "beholden to him as long as he lived."<sup>5</sup> As a result of the proceedings before the king, Loftus was removed from the office of chancellor, and Strafford was enabled to promote Bolton, whose subserviency left nothing to be desired, to that place, and

<sup>1</sup> Rawdon Papers, p. 24.

<sup>2</sup> Bagwell's *Ireland under the Stuarts*, i. 264-8.

<sup>3</sup> Sir Maurice Eustace, S.P., *Ire.*, xxi. 84.

<sup>4</sup> *Ibid.*, xviii. 187.

<sup>5</sup> Radcliffe's *Life*, p. 188.

to give an office of profit held with that of chief baron by Bolton to Lowther. But in less than a year and a half Strafford had paid the penalty on Tower Hill, his treatment of Loftus having been one of the articles in his impeachment, and within two years the decisions against Loftus were all reversed by the house of lords.

Some of Strafford's last moments were spent in endeavouring to persuade Charles to intervene on behalf of Bolton and Lowther, who had been impeached as his accessories by the Irish house of commons,<sup>1</sup> but most of those who owed to Strafford judicial place showed after his death little regard for his memory, and as will be seen, several of them proved equally willing to serve the parliament. In addition to the appointments already mentioned, he had promoted to a puisne seat in the King's Bench, Sir William Ryves, a man of English birth, who had succeeded Davies as attorney-general; to a puisne seat in the Common Pleas, James Donnellan, a man of Irish birth and descent, who held the office of chief justice of Connaught; to a puisne seat in the Exchequer, William Hilton, who was married to a sister of Primate Ussher; and to the place of chief baron Chancellor Bolton's son, Sir Edward Bolton, who had been for many years solicitor-general.

During the twelve years that elapsed from Strafford's impeachment to the surrender of the royalist forces in Ireland, death took its toll from the judicial bench. Within a few days of Strafford's impeachment, his friend, Wandesford, died, and some two years later his fellow-countryman, Cressy. To their places as master of the rolls and justice of the King's Bench Sir John Temple and Thomas Dongan, both men of Irish birth, were respectively appointed, but later vacancies on the bench were not filled. When the commissioners of the parliament set up in 1652 the high court of justice to try persons accused of "murder, massacres, and

<sup>1</sup> Strafford's Letters, ii. 418.

robberies of the English" during the rebellion, the surviving members of the bench were Sir John Temple, Sir Gerard Lowther, Sir Edward Bolton, Sir James Barry, James Donnellan, and Thomas Dongan, and all of them, except Sir John Temple and Sir James Barry, accepted employment in connexion with the new tribunal and acted as judges at the trials. If the address delivered by Lowther, who became president of the high court, at the trial of Sir Phelim O'Neill may be taken as an example, the parliament had in them apt and willing disciples, for no scruple as to the past stood in the way of his acting as the mouthpiece of his new friends, and offering Sir Phelim his estate and liberty if he would prove that he held a commission from "Charles Stuart."<sup>1</sup>

After prolonged discussion<sup>2</sup> it was resolved in 1655 to revive the old order and to constitute four courts, a chancery and three common law courts to be known as the Upper and Lower Bench and the Exchequer. In the autumn of the preceding year there had been sent to Ireland as its chief justice, Richard Pepys, *clarum et venerabile nomen*, and he became naturally chief justice of the Upper Bench. Pepys, who had been previously nominated to a seat in the English Exchequer, was a barrister of the Middle Temple of upwards of forty years' standing and a bencher of some twenty years' standing, and had been a member of the Long Parliament. He has also now the distinction of being an ancestor of the Earl of Cottenham. For the place of chief baron, one of Charles the First's judges, Miles Corbet, was eligible, and being on the spot as a commissioner of the parliament, he was appointed. Corbet, who had done good service in various administrative offices, was a barrister of Lincoln's Inn of upwards of thirty years' standing, and had, like Pepys, been a

<sup>1</sup> Miss Hickson's *Ireland in Seventeenth Century*, ii. 171-235.

<sup>2</sup> Thurloe, S.P., ii. 224; iii. 305.

member of the Long Parliament. As regarded the place of chief justice of the Lower Bench, no doubt could be felt: his zeal for the parliament and experience in a similar place pointed out Sir Gerard Lowther. His old puisne, James Donnellan, had no objection to serve under him again, but the puisnes appointed in the Upper Bench and the Exchequer, John Cook, who had prosecuted the king, and Edward Cary, a young barrister of the Middle Temple of only seven years' standing, declined to act. As master of the rolls Sir John Temple was continued. For a time the great seal was placed in commission, but a year later there arrived as chancellor a person of "eminent worth, reputation, and abilities,"<sup>1</sup> William Steele, who had been previously chief baron of the English Exchequer. Steele, who had been originally designated as the king's prosecutor, was junior to both Pepys and Corbet, being a barrister of not quite twenty years' standing, but was considered evidently very superior to them in professional and general ability.

In the opening days of 1659, four years after his appointment as chief justice, Pepys died. At the funeral service, which was in Christ Church Cathedral, his virtues were acclaimed, by one who had been a dean and became a bishop,<sup>2</sup> in a dissertation divided into six chapters and entitled "The Servant Doing and his Lord Blessing."<sup>3</sup> From it the audience learned that though Pepys had "ascended to the top of the tree, yet filled he not his own pockets, but shak'd down the fruit," and that in a dark and gloomy day he had refused "to leave the ark for a cock-boat." In conclusion his character was summed up as that of a "plain-hearted Jacob, a down-right Nathaniel, an Israelite without guile." He was succeeded by William Basil, a bencher of Lincoln's Inn, who had been attorney-

<sup>1</sup> Thurloe, S.P., ii. 530.    <sup>2</sup> Edward Worth.    <sup>3</sup> *Dubl.* 1659.

general in Ireland since the king's execution, and at the same time the puisne seats in the Upper Bench and Exchequer were at last filled as John Cook was persuaded to take the former and John Santhey, who had been a useful handyman in legal commissions, was appointed to the latter.



## CHAPTER II

### THE RESTORATION

SOVEREIGN—CHARLES II. YEARS—1660 TO 1685

AFTER the proclamation of Charles the Second, royalists feigned to believe that the proceedings during the Commonwealth were obliterated, and that those responsible for them were outcasts, but in the case of Ireland, at least, it was, indeed, pretence. There the acts of Charles the First and of the parliament were intertwined so as to be almost inseparable, and persons of all shades of opinion had to be employed to disentangle the knots. Besides, some who had been chief actors in establishing parliamentary rule were foremost in restoring monarchical rule, and had a just claim to royal favour and reward in addition to clemency. But no expiation was possible in the case of one class : those who had been concerned in the trial and execution of Charles the First were marked men, and on them vengeance fell.

Amongst the eight persons who composed the Irish judiciary at the close of the Protectorate, in the summer of 1659, there were to be found, as has been seen, Charles the First's intended prosecutor in the person of Chancellor Steele, one of his judges in the person of Chief Baron Corbet, and his actual prosecutor in the person of Mr. Justice Cook. Steele went to England in the autumn and retired thence to the continent. Although he had said that it was an addition to the affliction of sickness not to be able to perform his part in the king's trial,<sup>1</sup> as he had no actual share in it,

<sup>1</sup> State Trials, iv. 1064.

he did not suffer any disability on the Restoration and he was allowed subsequently to return to England, where he died twenty years later. As a man of birth, means, and talent, Corbet was accounted a most responsible regicide. Before he left Ireland, which he did in the winter, he had a warning of the fate that awaited him, as he was made a prisoner by Monck's friends when they seized the castle of Dublin, and before the Restoration he fled to the continent. Thence two years later, in the spring of 1662, he was brought back by royalist agents and executed. On the scaffold at Tyburn he disclaimed responsibility for the king's trial, said that he had only once sat in the court, and boasted that he had left no estate to be forfeited,<sup>1</sup> but he is recorded to have attended the court on several occasions, including two on which the king was before it, as well as to have acted as one of the signatories of the death-warrant,<sup>2</sup> and his want of an estate was due to his circumstances more than to his design, for while in Ireland he took care to provide himself with one of the greatest residences in the neighbourhood of Dublin. As he had rendered himself an object of much detestation as well by his writings as by his demeanour at the king's trial, Cook was arrested in Ireland by the army soon after Corbet's departure, and was brought, on the Restoration, to London, where he was the sixth of the regicides to be tried and the third to be executed. At his trial he made a strenuous defence, showing his "parts as a lawyér,"<sup>3</sup> and strove to save himself by every subterfuge; but on the scaffold, which in his case was at Charing Cross, he appeared as a fanatic glorying in his actions.<sup>4</sup>

Of the other judges at the close of the Protectorate,

<sup>1</sup> State Trials, v. 1323-4.

<sup>2</sup> Ibid., iv. 1053, 1060, 1094, 1114-16, 1122, 1135.

<sup>3</sup> Ibid., v. 1106.

<sup>4</sup> Ibid., 1252.

two, Chief Justice Basil and Mr. Baron Santhey, were parliamentarians, and three, Chief Justice Lowther, Mr. Justice Donnellan, and the master of the rolls, Sir John Temple, were apostate royalists. Basil and Santhey disappeared into the oblivion of private life, the former dying in London and the latter in Dublin, more than a quarter of a century later; Lowther solved any question as to his earthly destination a few weeks before the Restoration by his death; and Donnellan and Temple found their apostasy no bar to continuance on the bench.

Amongst the multitude that flocked round the throne in the summer of 1660, Ireland was well represented. Foremost in rendering homage to Charles was the leader of the Irish bar, Sir Maurice Eustace, a man of thirty-five years' standing in his profession and of at least sixty-five years of age. He had, indeed, borne the burden and heat of the day in the royal cause, and had never swerved in his devotion to the crown. As the king's first serjeant, and as one in whom Strafford had entire confidence, he had been called on the assembling of Strafford's second parliament, in the spring of 1640, to the speaker's chair, and in that place for seven years, notwithstanding the increasing power of the king's foes, he upheld loyalty to the throne. Even after Dublin was given over in the summer of 1647 to the parliament, he kept together the nucleus of a royalist revival, and in consequence, twelve months later, in the summer of 1648, he was arrested with other leading royalists in Dublin by the parliamentary governor and sent as a prisoner to Chester.<sup>1</sup> After restraint there for no less than seven years, he was allowed to return to Dublin, where he resumed his practice at the bar. He seems to have been at first kept under surveillance, and to have been a prisoner a second time on a charge

<sup>1</sup> MSS. of Duke of Portland, i. 486, 487; S.P., Ire., xix. 27, 29, 32, 783.

of corresponding with Charles the Second,<sup>1</sup> but he enjoyed the friendship of Henry Cromwell, who was impressed by his legal ability and would appear to have profited by it.<sup>2</sup>

Of the origin of the Irish family of Eustace, of which the Irish Fitzeustaces were members, there is doubt,<sup>3</sup> but from the thirteenth century the name is found in Ireland, and at the close of the sixteenth century the family was powerful in Kildare county, in which its chief seat, Castlemartin, lay.<sup>4</sup> At the beginning of the seventeenth century, in spite of the recent rebellion of the then titled member of the family, Viscount Baltin-glas, the Eustaces enjoyed the confidence of the crown, and for many years an important charge, the constablenesship of the Naas, was committed to one of them.<sup>5</sup> Of this constable of the Naas, Sir Maurice Eustace was a son, and as a result of his father's position, he was enrolled as one of the early students of the newly-founded college of the Holy and Undivided Trinity near Dublin. There he obtained a reputation for "learning and sufficiency," specializing in divinity and in Hebrew, of which he became a lecturer, and he was eventually elected a fellow. But having decided to make the bar his profession, he resigned his fellowship in two years and went to London, where he entered Lincoln's Inn. To the reputation which he had brought from Dublin, he added soon one for legal erudition.<sup>6</sup> According to his own account, he took time always by the forelock, studying most at seasons when others played and arousing apprehension lest he should over-exert him-

<sup>1</sup> See a Sermon preached at his funeral, with a short account of his life and death, by William Sheridan, sometime chaplain to him and afterwards a bishop in Ireland and a non-juror, Dublin, 1665.

<sup>2</sup> Macray's Clarendon S.P., iii. 81 ; Thurloe, S.P., vii. 635.

<sup>3</sup> Jour. Kildare Arch. Soc., i. 115.

<sup>4</sup> S.P., Ire., xi. 597.

<sup>5</sup> Ibid., xii. 432 ; xv. 114 ; xvi. 354, 360.

<sup>6</sup> Ibid., xvi. 424.



self.<sup>1</sup> Before coming to London he had been introduced by his father to Lord Deputy Grandison,<sup>2</sup> and probably through the latter he made in London friends in high places, who, seeing his ability, obtained for him, after ten years' study at Lincoln's Inn, a king's letter for the office of first serjeant in Ireland, which was then vacant,<sup>3</sup> but meantime the place had been given by Lord Deputy Falkland to Sir James Barry, and it was not until Barry's promotion to the bench five years later that Eustace succeeded to it. Before his call to the speaker's chair, Eustace had become well-known as a member of Strafford's first parliament and a leading counsel, whose practice sometimes brought him forty gold pieces in a morning,<sup>4</sup> but in the speaker's chair he acquired fame by his exceptional power in the delivery of set speeches full of classical lore and imagery,<sup>5</sup> and gave an impression of great ability that survived until the Restoration.

Legal Ireland had also another representative rendering homage at the restored throne, who was little inferior to Eustace in service or ability, in the person of Sir James Barry. Like Eustace, to whom he was only junior at the bar three years, although in age considerably more, Barry was of very early Irish origin, being a member of a branch of the Barrymore family, which traces its descent in Ireland from one of Strongbow's companions in arms,<sup>6</sup> but unlike Eustace, Barry had in his immediate progenitors persons identified with the commercial life of Ireland. His father, who served when Barry was a child as mayor of Dublin and represented that city in the parliaments under Chichester

<sup>1</sup> Letters, 1658, Dec. 21, and 1659, Nov. 24, in Records of Court of Delegates.

<sup>2</sup> Letter, 1659, May 11, *idem*.

<sup>3</sup> S.P., Ire., xvii. 493.

<sup>4</sup> Letter, 1659, Oct. 17, in Records of Court of Delegates.

<sup>5</sup> Commons' Journals, Ire., i. 134-6.

<sup>6</sup> Jour, Cork Hist, and Arch. Soc., 2 S., vii. 1, 8.



and Strafford, was commended by the latter as a good protestant,<sup>1</sup> but he was no less acceptable to the viceroys of that day as a man of wealth. It was freely spent in the service of his son, who started life in Ireland as a master of arts in the Universities of Oxford and Cambridge as well as of Dublin, and as a barrister of Lincoln's Inn, and it was, no doubt, the power of the purse that made Lord Deputy Falkland, on the eve of his departure from Dublin,<sup>2</sup> appoint Barry to what was then the chief law officership over the head of Eustace, who was not only senior to Barry in age, but more learned both academically and legally. The appointment was much resented by Lord Ely on the ground of Barry's youth and inexperience,<sup>3</sup> and although Barry was returned to Strafford's first parliament, the speaker's chair, which would in the ordinary course have been given to the first serjeant, was given to the second serjeant, and Barry was promoted to the bench as a baron of the Exchequer. He showed his gratitude to Strafford for his judicial seat by publishing a legal work to uphold the proceedings in regard to the Connaught appropriations,<sup>4</sup> and he was stimulated to further effort on behalf of Strafford in the last year of his life by receiving knighthood from Strafford's deputy, Wandesford.

After the Irish rebellion he appears in England, and during the last years of Charles the First's reign he gave there his aid to the parliament in collecting with Sir Gerard Lowther money for the Irish service.<sup>5</sup> Spoiling the Saxon is an occupation that has ever united Irishmen, however widely divided in opinion, and in

<sup>1</sup> Strafford's Letters, i. 270.

<sup>2</sup> Morrin's Pat. and Close Rolls, iii. 490.

<sup>3</sup> S.P., Ire., xvii. 540.

<sup>4</sup> The Case of Tenures upon the Commission of Defective Titles, Dublin, 1637.

<sup>5</sup> S.P., Dom., 1648-9, pp. 98, 328; 1649-50, p. 226; 1650, pp. 373, 394.

Barry's case it did not imply any diminution in his loyalty to the throne. Everything indicates that he pursued a straight course. As soon as Ireland was restored to some degree of tranquillity he returned to practise at the bar,<sup>1</sup> and although he submitted to the rule of the usurpers so far as to act at least once as a justice of assize,<sup>2</sup> he avoided taking a permanent seat on the bench, and seized the first opportunity to help the Restoration by becoming a member of the Irish convention. Of it he was elected chairman, and his approach to the throne was gilded by his bearing in that capacity a gift of twenty thousand pounds for the king, not to speak of four thousand pounds for the Duke of York and two thousand pounds for the Duke of Gloucester.<sup>3</sup>

In addition to Eustace and Barry, three lesser legal luminaries from Ireland rendered homage at the restored throne, namely, Jerome Alexander, Richard Kennedy, and William Aston, the first and third being of English and the second of Irish birth. Of the three, Alexander, who was older than Eustace, was the senior in years and far the most remarkable.<sup>4</sup> He had begun

<sup>1</sup> Macray's *Clarendon S.P.*, ii. 297.

<sup>2</sup> *Summonister Rolls*.

<sup>3</sup> Cox's *Hibernia Anglicana*, ii, sup. 3.

<sup>4</sup> Alexander's early career has been recorded by himself in a pamphlet of over a hundred folio pages. The title of this pamphlet, which was published in London in the year 1644, is a key to his character: "A Breviate of a Sentence given against Jerome Alexander, Esquire, an Utter Barrister of Lincolns-Inne, in the Court of Star-Chamber, the 17th day of November, in the second yeer of the Raign of our Sovereign Lord King Charls, of England, Scotland, France, and Ireland, etc. With Exceptions taken to the said Sentence, to unfold the Iniquity thereof. With a short Narrative of divers other passages and Oppressions, wherewith he hath been also grieved in other times of his life, both before and since. Printed for the Satisfaction of his Friends, against those many Calumnies and asperctions raised thereupon to blemish him in their opinion, and in the opinion of all others with whom he hath to do. Psalm 118. 6, 7, 8, 9. . . . Psal. 9. 13, 14."

life as a vassal of the house of Howard in Norfolk, and before his call to the bar he was acting as steward to the Earl of Arundel, whose confidence in him seems to have been unshaken by a somewhat untoward opening to his professional career.<sup>1</sup> This episode was the result of his being led after his call to the bar by a pragmatism and contentious disposition to embark in litigation on his own account, and consisted in his being convicted of falsifying a legal document, for which he was sentenced to be imprisoned and fined as well as disbarred.<sup>2</sup> To escape the punishment he fled to Ireland, where, owing to the conditions then, he found no difficulty in resuming practice as a barrister, and managed to secure the friendship of such persons as the Duke of Ormond, Archbishop Ussher, and Chancellor Loftus, and to obtain a seat in Strafford's first parliament as member for Lifford. But ten years after his arrival he came under the notice of Strafford, who was aware of the unfortunate incident in his career,<sup>3</sup> and who "branded him with the name of a scurvy puritan,"<sup>4</sup> and he found it expedient to leave Ireland. As he had acquired much land there, he went back after Strafford's impeachment and execution, but on being dispossessed in a short time by the rebellion, he returned to England and obtained employment in London in connexion with the affairs of the adventurers. This employment he found some difficulty in retaining on a discovery of his connexion with the Earl of Arundel.<sup>5</sup> After the execution of Charles the First, he appears on the continent helping to finance the royal refugees;<sup>6</sup> and on their return to England he hastened from Ireland, whither he had gone

<sup>1</sup> Blomefield's *Norfolk*, vii. 2, 98; *S.P.*, *Ire.*, xviii. 165.

<sup>2</sup> *Lincoln's Inn Black Books*, ii. 267.

<sup>3</sup> *Strafford's Letters*, ii. 68.

<sup>4</sup> *Breviate*, p. 77.

<sup>5</sup> *Ibid.*, p. 85.

<sup>6</sup> *Carte Papers*, xxix. 36; *MSS. of Marquess of Ormonde*, N.S., i. 240, 280.

during the Protectorate, and lost no time in reminding them of his existence.

Kennedy's chief interest lies in the fact that he is one of three persons known to be of Celtic origin who attained at the Restoration to the judicial bench. As a rule, commerce had engaged the members of his family, who were prominent in the civic life of Dublin,<sup>1</sup> but his father was a legal official, who, in connexion with his duties, came into conflict with Strafford and gave very damaging evidence against him on his impeachment.<sup>2</sup> During the Commonwealth, Kennedy had followed his profession in Dublin, being at the time of the Restoration a barrister of some fifteen years' standing, but both he and his father were constant in their loyalty to the crown. As they had both seats in the Irish parliament at the close of Charles the First's reign, it is evident that the father was not deficient in this world's goods, and it is not improbable that contributions made by him to the royal necessities gave his son a right to approach the throne.

Although he had adopted the profession of a barrister, becoming a law student a year later than Kennedy, Aston's career was, in the main, military. He had served the parliament as well as the king as an officer, and he accepted a seat in the Protectorate parliament, but as he was a cadet of the family of Lord Aston of Tixall, noted no less for its devotion to the royal cause than for its noble lineage,<sup>3</sup> his good faith can hardly be doubted. To help the Restoration was probably his aim in the Protectorate parliament, as it was undoubtedly in the Irish convention, of which he was also a member, and on behalf of which he was in London when the Restoration came.<sup>4</sup>

<sup>1</sup> Gilbert's Dublin, i. 194.

<sup>2</sup> Tryal of Strafford, p. 157.

<sup>3</sup> Burke's Extinct Peerage.

<sup>4</sup> His loyalty to the king was one of the grounds given for his appointment as a judge. Lib. Mun. Pub. Hib., ii. 33.



A few weeks after the Restoration, Eustace was designated as chancellor of Ireland, and promises were no doubt made to others of seats on the Irish judicial bench, but no seat was formally filled until the autumn excepting that of the chief baron, whose assistance was required in collecting the revenue, a work that did not admit of as much delay as that of administering justice. For the place of chief baron, choice fell on a barrister of Irish birth, John Byssie, who seemed to have a sort of hereditary right to a seat in the Exchequer as both his father and grandfather had held executive offices in it.<sup>1</sup> He had been for more than twenty-five years recorder of Dublin, and owed his appointment to the fact that he had the confidence equally of puritans and cavaliers, and was what was then known as "a painful man."<sup>2</sup> He had a very large practice, being of about the same standing at the bar as Barry, and was not without experience outside his profession, as he had sat in both Strafford's parliaments and possibly in one of the Protectorate parliaments.<sup>3</sup>

In the autumn, at the same time as a king's letter was issued appointing Eustace to the chancellorship, Sir John Temple was confirmed in the mastership of the rolls, of which he had never lost grasp through all the changes. The career of the author of the "History of the Irish Rebellion" was one of extraordinary vacillation. As the son of Sir Philip Sidney's friend, Sir William Temple, long provost of Trinity College, Dublin, he had started life as a fellow of that foundation; then he became a law student; before long he exchanged that employment for that of a courtier, which gained him his knighthood; and finally, when trouble arose between Charles the First and the Parliament, he

<sup>1</sup> Lib. Mun. Pub. Hib., ii. 60, 61; The Irish Builder, 1886, pp. 331, 333; Gilbert's Dublin, ii. 22.

<sup>2</sup> Thurloe, S.P., ii. 224; v. 478; vii. 593; Carte Papers, cxlvi. 125.

<sup>3</sup> Thurloe, S.P., v. 327; vii. 553.



purchased, while the king's court was at Oxford, the office of master of the rolls in Ireland for two thousand pounds,<sup>1</sup> and retired to that country. There, on the plea of dissatisfaction as to a cessation with the Irish, he deserted the royal cause and went over to the parliament, but on the question of compromise with the king, he quarrelled in turn with the parliament and went into retirement. After a few years he became active again on behalf of the Commonwealth, and served it with renewed devotion until the Restoration came in view, when he embraced again the royal cause with fervour.

Later in the autumn, king's letters were issued with rapidity for all the Irish judicial places. Barry was given the chief justiceship of the King's Bench, and Alexander, Kennedy, and Aston the second seats in the three common law courts. The chief justiceship of the Common Pleas was given to Donnellan, whose acceptance of office during the Commonwealth was forgiven probably on the solicitation of Barry, to whose sister he had been married.<sup>2</sup> Like Kennedy, he is remarkable as being a man of Celtic origin,<sup>3</sup> and resembled Eustace, to whom he was senior in age and standing at the bar, in being an ex-fellow of Trinity College, Dublin, and a barrister of Lincoln's Inn. As son of an archbishop of Tuam, he had obtained at an early age a seat in the provincial court of Connaught, and he was member for Dublin University when raised by Strafford to the bench, a promotion by which Strafford hoped to hoodwink "the Irish nation."<sup>4</sup> He was one of those summoned by Charles the First to Oxford to treat with the agents of the confederate catholics, but during the Commonwealth, according to Henry Cromwell, he

<sup>1</sup> S.P., Ire., xxi. 381.

<sup>2</sup> Funeral Entries, p. 47.

<sup>3</sup> The Irish Builder, 1888, p. 88.

<sup>4</sup> Strafford's Letters, ii. 94.

helped it in war, hanged his own countrymen, and proved himself a godly man.<sup>1</sup>

To fill the third seats in the three common law courts there were appointed two barristers of English and one of Irish birth, Thomas Stockton, Robert Booth, and Thomas Dongan. Like Aston, both Stockton and Booth had joined the Irish bar in the closing years of the Protectorate. Stockton was an ancient of Gray's Inn, and added to professional fitness a strong claim to favour as head of an old Cheshire family that had suffered much for its loyalty,<sup>2</sup> and Booth owed his promotion to Eustace,<sup>3</sup> who was no doubt influenced by his abilities, and also perhaps by his large means as head of the branch of the Booth family identified with Salford. Like Kennedy and Donnellan, Dongan was a man of Irish descent as well as birth, and had been, prior to his marriage to an English lady, a Roman Catholic,<sup>4</sup> but as we have seen, he acted with Donnellan, as a member of the high court of justice set up in Ireland by the parliament. He was at least as old as Donnellan, adding to age dire poverty,<sup>5</sup> and as his appointment was delayed until the last moment, he was probably thought to be unfit for his duties, which he proved to be.

During the summer the king dropped knighthoods on Alexander, Kennedy, and Aston, an honour that was conferred also on Donnellan in Ireland by the lords justices, and in the last weeks of the year king's letters issued granting peerages to Eustace and Barry as respectively baron of Portlester <sup>6</sup> and baron of Santry, the honour in Eustace's case never being assumed. As finally arranged, the bench on the Restoration stood

<sup>1</sup> Thurloe, S.P., iv. 376.

<sup>2</sup> Lib. Mun. Pub. Hib., ii. 33.

<sup>3</sup> S.P., Ire., xx. 113.

<sup>4</sup> Lincoln's Inn Black Books, ii. 187, 190, 269, 270.

<sup>5</sup> Duhigg's King's Inns, p. 186.

<sup>6</sup> Warrant of 1660, Dec. 16, in Records of Court of Delegates.

thus, the members of English birth being marked with an asterisk :

Chancellor . . . . .	Sir Maurice Eustace.
Master of the Rolls . . . . .	Sir John Temple.
Chief Justice of the King's Bench . . . . .	James Barry, Lord Santry.
Justices of the King's Bench	*Sir William Aston, *Thomas Stockton.
Chief Justice of the Com- mon Pleas . . . . .	Sir James Donnellan.
Justices of the Common Pleas . . . . .	*Sir Jerome Alexander, *Robert Booth.
Chief Baron of the Ex- chequer . . . . .	John Bysse.
Barons of the Exchequer	Sir Robert Kennedy. Thomas Dongan.

Before five years had elapsed no less than three vacancies had occurred by the deaths of Eustace, Donnellan, and Dongan. As chancellor, Eustace had proved a failure. His own judgement had foretold it would be the case.

"I send you these lines," he wrote six weeks after the Restoration to the secretary of state, "as I hear the king intends to appoint me to a post of great trust. *Heu equidem dignus sum tali honore*. I served the king's father while I was young and strong, but am now grown too old to perform any public service. I desire no such post nor any favour except to remain in his majesty's good opinion. I hope I shall not now be put beyond my strength with any public employment."<sup>1</sup>

The period covered by Eustace's term of office as chancellor was one of the most momentous that Ireland has known, when her capital rang with the question of the old versus the new settler, in other words with the question of Cromwellist versus royalist, and protestant versus Roman Catholic, and when a so-called settlement of the rival claims was made. For eighteen months after Eustace's appointment as chancellor, the

<sup>1</sup> S.P., Ire., xx. 7.

government of Ireland was vested in him and the Earls of Orrery and Mountrath as lord justices. It was such a unicorn team as boded disaster. Eustace's sympathies lay with the class to which he belonged, the descendants of the men of the Pale who had remained loyal to the throne, while the earls' sympathies lay with the new settlers. The protestant interest was the only one that had their ear, but no religious distinction was allowed by Eustace, although he was a loyal son of the established church, to limit his activities in the cause of justice.

He had no more than arrived in Ireland when differences arose between him and the earls, and he formed the opinion that they were bent on exterminating the old settlers, root and branch, and would make no distinction between "the noisome goats and the harmless sheep" amongst the new settlers, many of whom, Eustace held, had been saved from Tyburn by the excessive goodness of God and graciousness of the king. His views were "single and against the stream," and as he became more and more estranged from the policy adopted, he gave way to dejection and despair. In a series of letters to Ormond he poured out his heart with such freedom that, although his handwriting was said by Charles the First to be in itself a cipher, Ormond recommended restraint, advice which recalled to Eustace's mind the divine precept to be wise as serpents and harmless as doves.<sup>1</sup> In the spring of 1662, Eustace fell into a state of profound melancholy, which affected his health, as he had been ordered by Ormond not to allow Roman Catholics to plead before him or to hold the commission of the peace, and Ormond's advice that he should not trouble about what could not be helped was of little use in the case of a man of Eustace's temperament.<sup>2</sup>

<sup>1</sup> Carte Papers, xxxi. 294, 323; xlix. 46, 87; S.P., Ire., xx. 631.

<sup>2</sup> Ibid., xxxi. 428; xlix. 117.



The only ray of light in the gloom was the prospect of Ormond's arrival to take the reins of government,<sup>1</sup> but relief from the office of a lord justice in the summer of 1662 did not work a cure. Soon afterwards Eustace was plunged into a state of even greater melancholy by a dilemma as to his private affairs, with which his mind became increasingly engrossed as public responsibilities grew less. The question was as to the disposal of his estate. His marriage was childless and his choice of an heir lay between a nephew and an illegitimate son. In both cases he had not only raised expectations, but given pledges, in regard to his nephew publicly, and in regard to his illegitimate son to the mother, who was possibly a lady with whom he had a *liaison* while at Chester, and by whom he had also a daughter. The aid of Jeremy Taylor was invoked to decide a nice point in ethics, the degree of obligation imposed by the pledges. Taylor's voice was in favour of the nephew ;<sup>2</sup> but immediately afterwards Eustace announced in an extraordinary letter to the secretary of state his intention to make his natural son his heir, and asked that the peerage promised to him might be transferred to the boy, so that the king's "old chancellor will have the longer to do his majesty all faithful service, and when he hath finished his course therein, will go with the more content to his long home."<sup>3</sup> What reception this letter received is not known, but a few weeks later Eustace wrote to say that he wished no future honour settled on the boy as it might make him careless of his books and given to loose courses, adding that *virtus est sola nobilitas* is most true,<sup>4</sup> and about the same time he announced to Ormond his intention of making his nephew his heir, not only in regard to his estate, but

<sup>1</sup> Carte Papers, xxxi. 428.

<sup>2</sup> Letter of 1663, April 4, in Records of Court of Delegates.

<sup>3</sup> S.P., Ire., xxi. 66.

<sup>4</sup> Ibid., p. 105.



also in regard to any honour that might be conferred upon him.<sup>1</sup>

This communication was made to Ormond on his remonstrating with Eustace on the impropriety of his allowing his mind to be so obsessed by the question of choosing an heir as to exclude the consideration of "weighty matters that lay upon him," and on that occasion Ormond referred also to the absurdity of a man being first troubled how to acquire an estate and then how to dispose of it, for Eustace's valetudinarianism did not militate against astuteness in accumulating wealth. Not only did he obtain, while chancellor, from the crown sundry allowances and grants, but he sold also to it at an enormous profit lands near Dublin now enclosed in the Phoenix Park, which he had only just before acquired,<sup>2</sup> and he is said to have amassed in all during his short term of office no less than eighty thousand pounds.<sup>3</sup>

To such an extent did Eustace allow his troubles to weigh upon him that his health again gave way, and he had to be excused in the summer of 1663 from attendance at the privy council.<sup>4</sup> In the following spring his condition showed little improvement,<sup>5</sup> but in the summer intelligence that his office was being sought by others acted as a tonic,<sup>6</sup> and during the last year of his life reference to his health ceases. Six weeks before his death, in the summer of 1665, he is said to have been "as brisk as a bee" at the marriage of his illegitimate daughter;<sup>7</sup> but a paralytic attack supervened, and soon ended his career. Two days before his death he executed a will, the third on record, by

<sup>1</sup> Deposition by Ormond in Records of Court of Delegates.

<sup>2</sup> Letter, 1661, August 4, in same.

<sup>3</sup> MSS. of Earl of Dartmouth, i. 130.

<sup>4</sup> Carte Papers, cxliii. 147.

<sup>5</sup> Letter, 1664, March 6, in Records of Court of Delegates.

<sup>6</sup> Letters, 1664, June to Sept., in same.

<sup>7</sup> Letter, 1665, May 6, in same.

which his nephew inherited the greater part of his property, but he obtained no claim to an hereditary title.

Two years before Eustace's death, as chancellor of England, Clarendon had begun to correspond with Ormond about the necessity of providing an efficient chancellor in Eustace's room. As he had not been consulted in the appointments, Clarendon was inclined to disparage the Irish judicial bench, and in the case of Eustace he had formed a very unfavourable impression, going so far as to say that but for the testimony of others he would not have believed him to have been ever a man of extraordinary parts.<sup>1</sup> If Eustace would not retire voluntarily, a thing "an honest man" would do, Clarendon held that he must be superseded.<sup>2</sup> Those whom Ormond loved once he loved to the end, and although he admitted that Eustace had not proved a satisfactory chancellor, he remembered his past services and deprecated any step that might hurt his feelings.<sup>3</sup> At the same time, he was conscious that a vacancy must come soon and the correspondence continued. The desideratum was an English barrister in large practice, but one was not willing to go. As he was then in Ireland presiding over the court of claims, Sir Richard Rainsford, afterwards chief justice of England, was suggested by Clarendon, but as he had offended the later English settlers by his decisions, he was considered impossible by Ormond, who thought also that he was hardly possessed of all the qualities necessary in a chancellor.<sup>4</sup>

In the end, notwithstanding the desire for professional fitness in Eustace's successor, the choice fell on one in whom it was non-existent, and after disuse for half a century, the old expedient of appointing an ecclesiastic as chancellor was fallen back upon. This solution of the difficulty was due to the Earl of Orrery, the most

<sup>1</sup> Clarendon's Life, i. 394, 486.

<sup>3</sup> Ibid., xxxiii. 565; cxliii. 276.

<sup>2</sup> Carte Papers, xlvii. 87, 92.

<sup>4</sup> Ibid., cxliii. 147, 170.

astute of men, who, while professing to be thoroughly in accord with the desire for an English barrister of eminence, suggested that, failing one, perhaps the place might be filled by the archbishop of Dublin.<sup>1</sup> That prelate happened to be his own cousin, Michael Boyle. A greater contrast to Eustace could not have been found. Eustace had attained to the place of chancellor at the age approximately of sixty-five by the laborious path of application, with antecedents that were a hindrance and that narrowed the vision, and remained to the end academic and legal with an horizon bounded by Ireland. On the other hand, Boyle reached the same position, at the age approximately of fifty-five, by the easy road of natural adaptability, with a halo of glory as a Boyle and the broad traditions of later settlers, and grew year by year more tolerant as an ecclesiastic, and less prejudiced as a statesman, with an outlook that had the greatness of England's throne as its limitation.

As a son and son-in-law of Irish prelates, Boyle had rapid promotion in the church, reaching a deanery at the age of thirty, and after the death of his first wife, whom he lost in tragic circumstances during the Irish rebellion, he made a second marriage that brought him in touch with high politics as brother-in-law of the Earl of Inchiquin, who plays a part in the history of Ireland no less remarkable for its variety than for its importance in the fortunes of his country. With the title of chaplain-general of the royalist forces in Munster, Boyle became Inchiquin's chief of staff and was a main instrument in temporarily rehabilitating the royal cause in Ireland after the surrender of Dublin to the parliament.<sup>2</sup> When Cromwell arrived, he carried on negotiations with him to secure the safety of the protestants in the royal army, and gave great offence to Ormond by accepting for him a pass, which Ormond

<sup>1</sup> Carte Papers, xlvii. 92.

<sup>2</sup> Ibid., xxvii. 280.

returned to Cromwell with a scornful and derisive message.<sup>1</sup>

But Ormond was not one to bear resentment long, and during the years immediately following the Restoration, Boyle gave proof in the Irish privy council, of which he was a member first as bishop of Cork and afterwards as archbishop of Dublin, of exceptional gifts as a statesman. As these gifts were afterwards shown in London, where he acted as the representative of the lords justices in the negotiations about the act of settlement, they became widely known, and the Irish house of lords felt it incumbent to record for posterity that the testimonies were ample, clear, and undoubted that the act was primarily the result of Boyle's prudence, virtue, and indefatigable exertions.<sup>2</sup> So little expectations had Boyle, however, that his name would be considered for the chancellorship that he wrote shortly before his appointment became a certainty to his friend Sir Richard Fanshawe, begging him to allow his name to be put forward,<sup>3</sup> and when expressing himself as willing to submit to the judgement of others as to his own competency, he was careful that it should be recognized that his knowledge of law was but scanty.<sup>4</sup>

In addition to the chancellorship, Clarendon concerned himself about a successor to Donnellan in the chief justiceship of the Common Pleas, although Ormond suggested that it would be better to wait until "the old man" was dead, and wrote to tell Ormond that he thought he had secured a successor in a barrister "of good learning and more than ordinary prudence," Robert Milward, who combined a seat in the English house of commons with the office of a Welsh judge and a recorder, but the negotiations fell through.<sup>5</sup> When the old man

<sup>1</sup> Carte Papers, xxvii. 414, 434, 462, 473, 485, 519.

<sup>2</sup> Lords' Journal, Ire., i. 302.

<sup>3</sup> MSS. of J. M. Heathcote, p. 139.

<sup>4</sup> Carte Papers, ccxv. 51.

<sup>5</sup> Ibid., xlvii. 87, 92; cxliii. 147.



did die, shortly before Eustace in the summer of 1665, Ormond procured himself an English barrister of higher professional attainments than Milward, Sir Edward Smyth, who had been for ten years a bencher of the Middle Temple. He was then in Ireland, whither he had gone as a colleague of Rainsford in the court of claims, and where he had become member for Lisburn. His appointment to the chief seat in the Common Pleas was attended with disappointment to the second judge of that court, Alexander, who asserted that he had been promised the place, and was not bashful in claiming that he had suffered great loss of fortune in helping to subdue the Irish rebellion and hazarded his life in helping to restore Charles the Second to the throne;<sup>1</sup> and the second baron of the Exchequer, Kennedy, was also a pretender to the seat, although he had been a successful suitor a few months before for such marks of royal favour as a baronetcy for his father and full manorial rights over their property in Wicklow county, afterwards known as the manor of Newtownmountkenedy.<sup>2</sup>

As successor to Dongan there was raised to the bench of the Exchequer in the autumn of 1663 John Povey, another English barrister who had come to practise in Ireland in the closing years of the Protectorate. He had the rank of an ancient of Gray's Inn, and had friends with influence in Ireland who had obtained for him a seat in the Restoration parliament which no doubt helped him to the bench.

Little more than a year after his appointment as chancellor Boyle was at death's door, and Clarendon and Ormond began again to correspond about a successor. Ormond thought then that the only alternative to Boyle was Santry, whom he esteemed for his integrity. He was also influenced by Santry's high reputation in his

<sup>1</sup> Carte Papers, xxxiv. 210.

<sup>2</sup> Ibid., ccxv. 193; xliii. 371, 375.



profession, a reputation that survived long after Santry's death, and said that although Santry was indolent and wilful, it was of the less consequence as he was generally in the right.<sup>1</sup> On the former occasion, when Santry's name was also mentioned, Clarendon had spoken of him as a very extraordinary man and an excellent judge, and was disposed to make little of the objection that he was unpalatable to the later settlers,<sup>2</sup> whose influence had deprived him of the speakership of the house of lords.<sup>3</sup> But now Clarendon was all against him, saying that Santry was looked upon as a man of humour, as well as lazy, which was a marvellously bad ingredient in a chancellor, and was believed by the English bishops to be an irreconcilable enemy to the church. Fortunately, Boyle recovered, for Clarendon was no more successful than before in his search for an English barrister, finding that in addition to objections grounded on an inadequate salary and a damp climate, there was a new one grounded on a want of probity in the people.<sup>4</sup>

The cause of Ireland's ill repute in this respect was doubtless due to paragraphs like the following, which appeared in *The London Gazette* under date at Dublin, November 23, 1667 :

Upon a trial the last week in his Majesty's court of Common Pleas in this city, there were no less than twenty-nine men, who all of them took their oaths against Mr. Blackwell, the sheriff of a county in this kingdom that he had signed a deed, whereby he had conveyed five towns and several thousand acres of land to one Major Mihill, but upon examination of the deed, proof was unexpectedly brought in of such certain and convincing evidence in the behalf of the said Mr. Blackwell that the hand of God seemed to be manifested in the discovery of the forgery and perjury of

<sup>1</sup> Carte Papers, xlvi. 424 ; Brit. Mus. Add. MSS., 15892, f. 176.

<sup>2</sup> Ibid., xlvii. 87.

<sup>3</sup> Orrery's State Letters, 1742, p. 17.

<sup>4</sup> Carte Papers, xlvii. 128.

those persons. The chief conspirators and actors in that combination were Major Robert Mihill, Mr. John Clark, and Captain Hewlett, one that was formerly condemned to have been hanged for being instrumental in the murder of the late king.<sup>1</sup>

It is not possible now to estimate what a judicial seat was then worth. Apart from the difficult question of the relative value of money then and to-day, it is necessary to take into account on the one hand loss by the mode of payment, involving in some cases a sixth of the whole amount, and on the other hand allowances as well unrecognized as recognized. The nominal salary of the chancellor was a thousand pounds, but it was supplemented by an allowance of little less,<sup>2</sup> and, as Eustace's vast fortune shows, by undisclosed revenue of very large amount. With the joint income of chancellor and archbishop, Boyle's position is described as a noble one by Ormond, who was "an expensive man," and not likely to attach a low meaning to the adjective.<sup>3</sup> To the chief seat of the King's Bench, with a nominal salary of six hundred pounds, there were attached at the time of the Restoration perquisites in the shape of an allowance for house rent, and allowances in lieu of "forty beeves out of Magennis's country," and "forty pecks of corn out of Ballyogan," and to all the chief seats there was attached an allowance for three tuns of French wine "for the provision and store of the house."<sup>4</sup> As in contemporary opinion they were "pared near the quick,"<sup>5</sup> the salaries of the puisne judges were constantly under review. Nominally the salary of a puisne judge in the reign of Charles the Second never exceeded four hundred pounds, which was less than Henry Cromwell thought should be given,<sup>6</sup>

<sup>1</sup> Reprinted in *The True Protestant Mercury*, 1681, Aug. 10-13.

<sup>2</sup> *Carte Papers*, xliii. 499.

<sup>3</sup> *Ibid.*, xlvi. 424.

<sup>4</sup> *Vice-Treasurer and Receiver-General's Accounts*.

<sup>5</sup> *Carte Papers*, xxxvi. 123.

<sup>6</sup> *Thurloe, S.P.*, vii. 593.

but in addition there was an allowance, finally fixed at a hundred pounds for each circuit. It was enjoyed by the chiefs as well as by the puisnes, as was also an allowance for robes.

The circuit system established in the reign of James the First was carried on without change, the only county unvisited being Tipperary, Ormond's palatinate, in which judges appointed by Ormond presided. On the circuits the business was seldom otherwise than heavy. The trials of rapparees, whose ranks were recruited from the dependents of dispossessed proprietors, were unceasing. While he held the sword Ormond's correspondence bears witness to the frequency of capital convictions. He was ever ready to grant a reprieve, saying that a reprieved man might be hanged, but a hanged man could not be reprieved,<sup>1</sup> and so far as the law and custom of the age permitted, he was seconded in a spirit of leniency by the judges. Alexander was a notable exception. For aught Ormond knew, he carried himself well on circuit, but his reputation there was that of a severe judge. On one occasion when Ormond said that Alexander had been sent on a special commission to try and with a very special inclination to hang offenders, he condemned in one town fourteen to death.<sup>2</sup> "To be alexandered" came to be a synonym for to be hanged.<sup>3</sup> With Alexander no fiction as to the right of a culprit to benefit of clergy was permitted : he selected himself the passage to be read.

During the early years of Charles the Second's reign, the judges going the Ulster circuits, on which Alexander and Kennedy were foremost, were kept busy with prosecutions for dissent. In Derry, according to the bishop, a disciple of Laud, Alexander by his "prudent austerity and managing of the assizes" struck such awe amongst the nonconforming Scots that "if they did not love

<sup>1</sup> Carte Papers, ccxix. 520.

<sup>2</sup> Ibid., cxliii. 269 ; xlviii. 37.

<sup>3</sup> Orrery's State Letters, 1742, p. 143.

him and the government yet they began to fear both,"<sup>1</sup> and in Carrickfergus Kennedy brought the leader of the Quakers, "a very turbulent spirit," to a better temper by prolonged imprisonment.<sup>2</sup> Throughout the country, the judges were expected to use their authority in the suppression of recusancy, although, as Eustace pointed out, so much did churches want roofs and clergymen that it was impossible for the people to attend the services of the established church even if they were anxious to do so.<sup>3</sup> Besides recusancy the judges were expected to check corruption and malpractices on the part of persons in authority in levying the subsidy and hearth money, in raising inland revenue duties, in licensing ale-houses, in managing markets, in summoning jurors as well in ecclesiastical as in civil courts, in repairing the highways and bridges, and in framing presentments and indictments, and also the judges were commanded to restrain in the lower classes profanation of the sabbath by travelling, and tippling and gaming in ale-houses.<sup>4</sup> Purity in the administration of justice was greatly furthered by Ormond. When telling the secretary of state of the learning and zeal displayed by Santry as chief justice of the King's Bench in the trial of the conspirators in Blood's plot to take Dublin Castle, he says that he feels bound to attest Santry's services, but that he does not consider that one who is judge between king and people should be rewarded by the crown, however great his services may have been;<sup>5</sup> and when an attempt was made to bribe Alexander, that worthy thought it good policy to acquaint Ormond with the fact and to take the opportunity of expressing his abhorrence of such a practice.<sup>6</sup>

After a tenure of less than five years Sir Edward

<sup>1</sup> Carte Papers, xlv. 113.

<sup>2</sup> *Ibid.*, xlv. 467.

<sup>3</sup> *Ibid.*, xxxiii. 600.

<sup>4</sup> *Ibid.*, xxxvi. 454.

<sup>5</sup> *Ibid.*, cxliii. 152.

<sup>6</sup> MSS. of Marquess of Ormonde, N.S., iii. 207.



Smyth resigned the chief justiceship of the Common Pleas. Together with it he had held the place of chief commissioner of the court of claims as constituted by the act of explanation, but he was obliged to bring its sittings to a close in the opening days of 1669, although it may be observed that he did not do so until the last moment, delivering at midnight "a short speech by way of taking leave and justifying the impartial proceeding of the commissioners all along in executing the act to the best of their skill and judgement."<sup>1</sup> At the close of that year he gave up the chief justiceship, probably not considering it worth holding alone, and he was succeeded in it by the third judge of the court, who had become Sir Robert Booth. Before the time of Smyth's resignation the sword had passed from Ormond's hands to those of Lord Robartes, whose viceroyalty ended ignominiously, and the appointment of Booth was arranged directly by the king. To England, where he had been in 1667 knighted by the king, Booth was enabled by his wealth to be a constant visitor, and he was there when the resignation of Smyth took effect. The prize nearly escaped him, the king's letter being made out first in favour of a learned English lawyer, Sir Simon Degge,<sup>2</sup> and his success was probably due in a measure to a desire to secure the seat that he held then in the court for a barrister of the Inner Temple, Robert Johnson, who claimed kinship to the Earl of Arlington, and who had accompanied Smyth to Ireland, where, by Smyth's influence, he was elected his successor in the representation of Lisburn and brought into business at the bar.<sup>3</sup>

Six months later, in the summer of 1670, Alexander terminated his career, disclosing in his will fresh traits in a strongly complex character.<sup>4</sup> Written with his

<sup>1</sup> S.P., Ire., xxii. 679.      <sup>2</sup> Ibid., xxiii. 69.      <sup>3</sup> Ibid., xxi. 648.

<sup>4</sup> His will was dated 1670, March 20. It has been printed, but with at least one omission, in *Trans. Hist. Soc.*, ii. 94.



own hand and executed not many months before his death, the will opens with a declaration that the testator, "one of the unprofitable servants of Almighty God," had been throughout his life a son of the Church of England, as being, in his opinion, "the most absolute and best form of government in all the world." He affirms his conviction that to divine power alone he owed his estate. It had been bestowed on him, he says, "against the opposition of many great and potent enemies, who sought to destroy him in his body, goods, and good name upon his first entering upon business," but he had been saved from the cruelty of those who were too mighty for him, "their nets had been broken and he had been delivered." He claims that as God had been a father to him, he had on his part not been wanting to assist others in distress, and asserts that he could never be drawn to serve any particular interest against the public good, which he conceives to have been the chief occasion of his troubles and sufferings. Throughout the will animus to Ireland and to Roman Catholicism is written large. His unmarried daughter is to be disinherited if she marry any person connected with Ireland, be he archbishop, earl, or anything else, or anyone of Irish descent or extraction, or "a papist or popish recusant," and the protestant poor are alone to benefit by his bounty.

He bequeathed to Trinity College, Dublin, his library, which he states contained all the books of the common law and statute law of England or Ireland that he could possibly find, as well as works concerning divinity, history, and all other arts and sciences. He mentions also books on "physic and chirurgery," but these he left to his daughter. As many of his books were "small and easily pocketed up yet very scarce and rarely to be gotten for love or money," he made a provision for a librarian to guard them. To Sir Edward Massy, a hero of a somewhat similar type, who had never been

forgotten in his daily prayers, he bequeathed his new saddle-cover and furniture and a cane with a silver rhinoceros's head, and to others he left his cane with a hatched gold head containing a pair of tweezers, his Brazil stick with a silver head, his sword or rapier with which the king had knighted him, his double-barrelled pistols, his saddle and furniture covered in green velvet, his pocket tweezers which he had bought at Brussels, his case of silver instruments, which he had also bought there, and which he verily believed "cost him three score pounds, the very case costing twelve," his gold spectacle case and spectacles, his great diamond ring, and his gold and silver watches.

The vacancy on the bench made by Alexander's death fell during the viceroyalty of Lord Robartes's successor, the Earl of Berkeley, a time that Alexander would himself have least desired, when the Roman Catholic interest was in the ascendant and the barrister appointed in his room, Oliver Jones, was not only of Irish birth, but was also believed by his contemporaries to be a Roman Catholic at heart.<sup>1</sup> The appointment of Jones was, however, intelligible enough on other grounds, inasmuch as he had been known to Berkeley in his capacity of president of Connaught, as chief justice of that province and Berkeley was entitled to claim that he had been in office there before his time. In Strafford's second parliament, in which he sat for his birthplace, Athlone, Jones had been active on the Roman Catholic side, but during the Commonwealth he had rendered allegiance to it, and he had not allowed any obstacle to prevent his becoming a member of the Restoration parliament, in which he sat for Roscommon county. Eighteen months later, in 1672, on the death of Aston, Berkeley transferred Jones to the King's Bench and appointed in his room in the Common Pleas another Connaught judge, Adam Cusack, whose name bespoke

<sup>1</sup> Essex's Letters, 1770, p. 134.

his Irish birth and sympathies. He was some twenty years junior to Jones, and seems to have been a man similar in his views to Eustace, whose niece he married and whom he resembled in being an ex-fellow of Trinity College, Dublin.

A year later, in the opening weeks of 1673, the Irish judicial bench lost its ornament Santry. Influenced by those who had his ear at the moment, Charles desired to promote Jones still further and to make him chief justice of the King's Bench, while the Earl of Essex, who had succeeded Berkeley as viceroy, recommended Booth as the most able lawyer on the bench.<sup>1</sup> The king would not hear of Booth, as he had in his composition "a spice of presbytery or indifference,"<sup>2</sup> which he had imbibed from his mother's second husband, the Rev. Thomas Case, a noted advocate of the covenant, albeit an active supporter of the Restoration,<sup>3</sup> and Essex averted, the appointment of Jones who was ill-equipped professionally, by a compromise. It was one of the triumphs of Essex's prudent administration in Ireland, for by the compromise he secured the promotion of Povey, who although in Essex's opinion inferior to Booth, was the only other man on the bench fit for the place, and who although acceptable as a kinsman of Thomas Povey to the Duke of York's party, had shown no inclination to please them in Ireland.<sup>4</sup>

To Essex's credit there lies also the elevation to the bench of Henry Henn and Sir Richard Reynell, who were both men of distinguished merit and became respectively chief baron and chief justice of the King's Bench. At the English bar, where he practised for sixteen years before going to Ireland, Henn had established a high character in his profession for integrity,

<sup>1</sup> Brit. Mus., Stowe MSS., 213, ff. 121, 131, 133, 149; 201, ff. 166, 172, 182.

<sup>2</sup> Carte Papers, cxlvi. 168.

<sup>3</sup> Dict. Nat. Biog., ix. 264.

<sup>4</sup> Essex's Letters, 1770, p. 134; Carte Papers, xlviii. 187.

learning, and judgement, as well as for blameless life, but he was not an eloquent advocate, and on that account possibly, soon after becoming a benchet of the Inner Temple, he transferred his practice to Ireland.<sup>1</sup> As the son of one who had been a page of the king's bedchamber,<sup>2</sup> he was not without interest, and a year after his arrival in Ireland, in 1670, he became second serjeant and a commissioner of appeals in revenue cases, and three years later he was appointed Povey's successor in the Exchequer by Essex, in whose gift the place lay.<sup>3</sup> His appointment was due to Essex's belief that he had special aptitude for the work, inasmuch as Essex placed Reynell in a higher rank. By all his contemporaries, Reynell was admitted to be a remarkable man. In social position he was without rival amongst the Irish judges in his day, as a descendant of Devonshire worthies, whom kings delighted to honour and whose name had never been justly "spotted or infamed,"<sup>4</sup> and with high birth he combined legal ability only inferior in the opinion of Essex to that of Booth.<sup>5</sup> He was yet another barrister who had gone to Ireland during the Protectorate, and about the time of Essex's arrival he attained to the leadership of the Irish bar. To make amends for passing him over in favour of Henn, Essex conferred on him knighthood, together with the second serjeantship, and in the following year, on Stockton's death, he was insistent that he should be appointed his successor in the King's Bench.<sup>6</sup>

When Essex made way for Ormond's return as lord lieutenant in 1677, Reynell was one of the few judges with a reputation for learning who was not "either antiquated or infirm," and within less than a year as

<sup>1</sup> Brit. Mus., Stowe MSS., 200, f. 285; 213, ff. 125, 131.

<sup>2</sup> S.P., Dom., 1628-9, p. 19.

<sup>3</sup> Brit. Mus., Stowe MSS., 213, f. 133.

<sup>4</sup> Prince's Worthies of Devon, p. 520.

<sup>5</sup> Essex's Letters, 1770, p. 134.

<sup>6</sup> Brit. Mus., Stowe MSS., 214, ff. 141, 142.



“ a proper encouragement ” he was created on Ormond’s advice a baronet.<sup>1</sup> He had been specially commended to Ormond by Essex,<sup>2</sup> but without any recommendation he was a man calculated in every way to make a favourable impression on Ormond, and he was marked out by him to succeed Bysse as chief baron.<sup>3</sup> But when vacancies came in the chief seats the terror of the popish plot hung over the king’s court, and the fact that Reynell had been employed as counsel by the Irish and was supposed to sympathize with them told heavily against him.

After a long absence abroad for his health Povey died early in the year 1679, and as his successor the only person that could be found sufficiently protestant to satisfy English public opinion was Booth, who was accordingly transferred from the chief seat in the Common Pleas to the chief seat in the King’s Bench. This transfer was made contrary to Ormond’s advice. In that advice Ormond was actuated partly by a natural tendency to men of not too pronounced opinions, but also by the physical incapacity of Booth, who even in Essex’s time was “ so miserably afflicted by gout and other diseases,” as to be seldom fit to attend to business, and as Booth died within two years of his transfer, Ormond’s judgement on the last point was not at fault.<sup>4</sup>

But Charles did not allow his English statesmen to have everything their own way, and insisted upon appointing as Booth’s successor in the Common Pleas the well-known John Keatinge, who certainly is not now regarded as a champion of protestantism, and who in his own day was looked upon as heir of the opinions of Eustace, who was his maternal uncle. Keatinge’s legal education had been but slender. He had been

<sup>1</sup> Carte Papers. cxlvi. 104.

<sup>2</sup> Ibid., xxxviii. 257.

<sup>3</sup> Ibid., cxlvi. 166.

<sup>4</sup> Ibid., cxlvi. 168 ; Essex’s Letters, 1770, p. 134.



at Lincoln's Inn, but his student days had been interrupted by the task of wooing and marrying a baronet's widow, and by acting as deputy-clerk in the Irish house of commons, a capacity in which he distinguished himself by making the journey to London and back in the depth of winter in twelve days.<sup>1</sup> In the later stages of the Restoration settlement he had been prominent as a counsel, and was commended then by his uncle to Ormond. From that day he enjoyed to the utmost degree the friendship for which Ormond was proverbial, in addition to which he became one of the intimates of Ormond's second son, Arran, and through their influence he was made by the Duke of York his Irish attorney. In connexion with the changes on Povey's death, Ormond had mentioned his name, but suggested him only for the lowest place, fearing as he said a charge of partiality, and he wrote subsequently that Keatinge was satisfied with being remembered, that a puisne judgeship would entail too heavy a loss of income, and that to rise from being the duke's attorney to a chief seat would excite envy.<sup>2</sup>

The desire to have Keatinge on the bench in a high position was in order that he might try the then Earl of Tyrone, one of the Power family, who, in the excitement of that day, was accused of treasonable conspiracy without real evidence, and the two assizes at which bills against the earl were ignored, were presided over by Keatinge.<sup>3</sup> But also, as more politic judges declined it, the task of trying some scores of the gentlemen of Munster and Connaught, who were accused of participation in the popish plot, fell to him. As it pleased no party, his attitude then was probably just. At the time he was held by Oates's supporters to be himself a promoter of the popish design, and he was

<sup>1</sup> Rawdon Papers, p. 158; Orrery's State Letters, 1742, p. 33.

<sup>2</sup> Carte Papers, cxlvi. 166, 170, 173.

<sup>3</sup> House of Lords' Papers, Hist. MSS. Com., Rept. 11, pt. ii, p. 219.

threatened with a summons to Westminster, where examinations were taken against him; and subsequently he was said by Oates's opponents to have acted as a whig and to have avowed his belief in the truth of the plot.<sup>1</sup>

Although no doubt one of "the more politic judges," Booth did not escape altogether from trials arising out of the alleged plot, as the Dublin correspondent of *The Currant Intelligence* informed its readers under date February 5, 1680:

Yesterday several criminals were tried here at the King's Bench bar, and amongst the rest one Adam Elliott, a minister, who was lately in London and suspected for a Jesuit. He was indicted for saying that Dr. Oates and Mr. Bedlow were rogues and that the five Jesuits died martyrs, which was positively sworn against him by two witnesses, so that the jury found him guilty of the indictment.<sup>2</sup>

Later on the Dublin correspondent of *The Protestant Domestick Intelligence* under date March 16, 1680, adds that:

The Irish flocked to the trial out of great curiosity. The fact was proved by two good sufficient witnesses, whereof one was a substantial citizen of Dublin, the other a minister. Being found guilty, he was fined by the Lord Chief Justice £200, and to lie in prison till he paid it and to give security in a great sum for his good behaviour. The next night after the trial, the said citizen's windows were broken.<sup>3</sup>

A year after Povey's death, early in 1680, a vacancy came in the chief seat of the Exchequer by the death of Bysse. He had been attacked for incompetence by the undertakers in whom the collection of the revenue was vested, but in Ormond's opinion he showed no great decay in mental power, and although in no way brilliant, had the qualities most necessary then in a

<sup>1</sup> Carte Papers, xxxix. 363, 556; xl. 410; ccxvii. 176.

<sup>2</sup> Issue of Feb. 14.

<sup>3</sup> Issue of April 6.

chief baron, industry and honesty.<sup>1</sup> As his successor, London decreed that Henn, not Reynell, should be appointed, ostensibly on the ground that Henn was the sounder protestant, but more probably because Henn had taken care to make friends at court. But when Booth died in another year, early in 1681, the scene having changed, Keatinge was proposed as his successor, and on his being found unwilling to accept the remove from the Common Pleas to the King's Bench,<sup>2</sup> Ormond's original nominee, the prime-serjeant, Sir William Davys was accepted, as the king said that the advice on which Davys had been passed over before was then good reason for his appointment. Davys, who was of Irish birth, had been for twenty years recorder of Dublin, of which city he was also a representative in the Restoration parliament, where he proved himself "a good brisk speaker,"<sup>3</sup> and had full professional qualification, as he had been called to the bar in Lincoln's Inn before going to practise at the Irish bar. Like Keatinge, to whom he was considerably senior, Davys had through his antecedents a place in Ormond's affection as the son of one who had served under him long and painfully as clerk of the Irish privy council, and in the position of recorder Davys had increased his claim on Ormond by services which he was able to render him and his sons.<sup>4</sup>

In his recommendation of Davys, Ormond had, however, as his main object, the gratification of Boyle, who had then been chancellor for over fifteen years. To him Davys stood in the relation of son-in-law, and the opposition to Davys at the time of Povey's death was partly based on the ground that his appointment would make Boyle all-powerful by giving him command

<sup>1</sup> Carte Papers, cxlvi. 125.

<sup>2</sup> Ibid., ccxix. 218.

<sup>3</sup> S.P., Ire., xxi. 118.

<sup>4</sup> Records of Dublin, iv. v; Carte Papers, ccxliii. 53.

of the whole legal system as well as of the church.<sup>1</sup> The fact was that in the government of Ireland Boyle had become indispensable, which those on the spot knew, and those in London, where Boyle never went, did not. Although far from cordial about Boyle's selection as Eustace's successor, Ormond had changed his opinion in little more than a year, and at the time of Boyle's illness, he was in despair that he should lose a good chancellor;<sup>2</sup> and during the eight years that the viceroyalty was held by others, Boyle continued to earn high encomiums. Under Ormond's successors he was always left in charge of the country as lord justice during their temporary absences, a duty that fell under Ormond to one or other of his sons, and when Essex held the sword a viscounty was conferred on Boyle's son in recognition of his father's services. When Ormond resumed the viceroyalty so high was Boyle's position that people talked of him as the future archbishop of Canterbury,<sup>3</sup> and his position was further enhanced by his promotion from the archbishopric of Dublin to that of Armagh, a step that would not have been possible a few months later as Boyle's political views did not find favour in the eyes of militant champions of protestantism.<sup>4</sup>

But Boyle's views were in accord with those held by the majority of his co-religionists in Ireland, so far as one can judge from the verdict of the juries on which, of course, no Roman Catholic was eligible. Thus under date at Dublin November 26, 1681, *The Currant Intelligence* reports that :

This day Father St. Lawrence, the priest, accused to have attempted the suborning of Mr. Smith to have sworn against several dissenting ministers, was brought to

<sup>1</sup> MSS. of Marquess of Ormonde, N.S., v. 39.

<sup>2</sup> Carte Papers, xlviii. 424.

<sup>3</sup> Dr. Lake's Diary, p. 11.

<sup>4</sup> MSS. of Marquess of Ormonde, N.S., v. 43.



trial at the King's Bench bar, where several witnesses appeared against him, and swore home to the point. After a full hearing of the whole matter, the jury withdrew to consider of their evidence and after about half-an-hour's stay, returned and found him not guilty.<sup>1</sup>

Again, under date at Dublin July 30, 1683, *The London Gazette* reports that :

At the assizes held the last week at Wexford for that town and county before the Lord Chief Justice Keatinge, Parson Jacques, a very eminent nonconformist preacher, was upon a full and plain evidence found guilty by a substantial jury of that county of subornation of perjury to take away the life of one Garret Courcy of that town, against whom he bore a malice, and to save his standing in the pillory, he paid down his fine.<sup>2</sup>

Shortly after Ormond's return to Ireland in 1677 the mastership of the rolls had passed on the death of Sir John Temple by a grant of reversion to his distinguished son, Sir William Temple, under whom, although he was given the fullest judicial as well as ministerial power, the office became a sinecure. During Ormond's second viceroyalty vacancies occurred also in the puisne seats of the Exchequer by the promotion of Henn and the retirement of Kennedy, and were filled by the appointment of Sir Standish Hartstonge, who as a man of large means was given also a baronetcy, and William Worth. They were respectively the recorder of Limerick and Cork, and owed much to local influence. By birth Hartstonge was an Englishman, but after two years' study in the Middle Temple he had gone to Ireland and secured there, as well as his recordership, legal office in the Munster presidential court and in Ormond's palatinate and a seat in the Restoration parliament. Worth was also of the Middle Temple where he had been called to the bar, but was of Irish birth, being the son of a prelate who held the bishopric of Killaloe. In addition vacancies occurred in the puisne seats of the

<sup>1</sup> Issue of Dec. 3-6.

<sup>2</sup> Issue of Aug. 13-16.



King's Bench and Common Pleas by the deaths of Jones and Cusack. In the case of the King's Bench the choice fell on a man of Irish birth, another recorder, John Lyndon, who held that office in Carrickfergus, where his family had long been settled,<sup>1</sup> and in the case of the Common Pleas the choice fell on a man of English birth, Arthur Turner, who had succeeded Keatinge as the Duke of York's attorney in Ireland. As Turner's term of office was in a few years ended by his premature death, another choice had soon to be made, and it fell also on a man of English birth, Samuel Gorges, who was married to a kinswoman of Ormond and had gone to Ireland as a judge in Ormond's palatinate.

Notwithstanding the numerous changes on the bench during the reign of Charles the Second, the proportion of Englishmen and Irishmen upon it underwent little variation as will be seen from a comparison of the following synopsis of the bench's constitution at the close of the reign with that of its constitution at the beginning, the members of English birth being in both cases denoted by an asterisk :

Chancellor . . . . .	Michael Boyle, archbishop of Armagh, P.C.
Master of the Rolls . . . . .	Sir William Temple, baronet.
Chief Justice of the King's Bench	Sir William Davys, P.C.
Justices of the King's Bench	*Sir Richard Reynell, baronet, P.C. John Lyndon.
Chief Justice of the Common Pleas . . . . .	John Keatinge, P.C.
Justices of the Common Pleas	*Robert Johnson. *Samuel Gorges.
Chief Baron of the Exchequer	*Henry Henn, P.C.
Barons of the Exchequer . . . . .	William Worth. *Sir Standish Hartstonge, baronet.

<sup>1</sup> McSkimin's Carrickfergus, pp. 188, 319.

### CHAPTER III

#### RELIGIOUS RIVALS

SOVEREIGN—JAMES II. YEARS—1685 TO 1690

WITHIN thirty years from the death of Charles the Second the bench underwent no less than three changes in personnel, the first under James the Second, the second under William and Mary, and the third under George the First. Needless to say, the bane of the bench in modern times, religion and politics, was supreme. To obtain a judicial seat a reputation for legal learning was a secondary consideration. The essential was party zeal. It must be admitted, however, that the tendency to disregard professional standing had originated during Ormond's last viceroyalty in circumstances other than political. In his previous viceroyalties, Ormond had endeavoured to reconcile in his recommendations for office legal qualification with interest, but during the last seven years that he held the sword, owing to his age, he was much under the influence of others, especially of a very bad adviser, his own son, Arran, and so largely did personal grounds predominate in the bestowal of his favour that on the accession of James the Second, excepting in the cases of Henn and Reynell, who owed their promotion to Essex, there was not a judge entitled as a lawyer to the seat occupied by him.

The weakness of the bench was seen by James the Second's first viceroy, the second Earl of Clarendon, who, though sycophantic and irresolute, was not without the instincts of a statesman, and as a remedy he wished to have the Irish made a stepping-stone to

the English bench.<sup>1</sup> This project was a far-sighted one, and might have been far-reaching in its effect, but it did not get beyond a pious aspiration. At the moment, Clarendon had good reason to know that his voice was certain to be drowned by the Earl of Tyrconnel's strident accents, and that subserviency, rather than independence, was desired in the judges. Without any communications with him, the removal from the bench of four of its members had then been decreed, and in three of the cases there could be no question that the persons had been selected for removal, not on account of their political views, inasmuch as they were the strongest tories on the bench, but on account of their independent position from private fortune.

The first of these three cases was that of the chancellor, Archbishop Boyle. In the opinion of Clarendon who held him in high esteem, that "good man's" capacity for business and devotion to James's person could not be questioned: he had just completed the hearing of a cause in which the arguments had taken thirteen days, and he had shown his tolerance at the time of the popish plot. But Clarendon emphasizes what was Boyle's disadvantage in Tyrconnel's eyes, that he possessed a great estate and had gained widespread popularity and influence by his hospitality.<sup>2</sup> The second case was that of Reynell. Of him Clarendon could say nothing except "what all the world knew," that he was a very able man, and that as a judge, "no one could carry the prerogative higher." But again Clarendon emphasizes what was Reynell's disadvantage in Tyrconnel's eyes, that he possessed a good estate and had been enabled to purchase it by the confidence that the public placed in him while he was practising at the bar.<sup>3</sup> The third case was that of Hartstonge. In the opinion of Clarendon he discharged his duties

<sup>1</sup> Clarendon's Corr., i. 338.

<sup>2</sup> Ibid., i. 276, 290.

<sup>3</sup> Ibid., i. 338.

in the Exchequer not only well, but also with benefit to the king, and everyone knew him to be, like Reynell, a man of ability. But once more Clarendon emphasizes what was Hartstonge's disadvantage in Tyrconnel's eyes, that he possessed a large estate and that as it was old interest, derived by him from his maternal grandfather, he was regarded with much respect.<sup>1</sup> The fourth member of the bench to be removed was Johnson, who had then been sixteen years on it, longer than any other member except Boyle. Although in his early days in Ireland he had been associated with the new settlers, Johnson had displayed as a judge no bias towards the whigs. During "the untoward years" of the popish plot, he had, according to Clarendon, carried himself with exceptional impartiality, and more particularly in matters relating to James himself, and his removal, as Clarendon ventured to hint in a guarded passage, could only be accounted for by the malice of one or two persons with whom he was then well known to have "private differences."<sup>2</sup>

Although he proved to be a man with the courage of his convictions, Boyle's successor as chancellor, Sir Charles Porter, might, with good reason, have been thought to be one not likely to sacrifice for a scruple the fruits of office. As told by himself, his early career sounds like a romance and indicates much irregularity of disposition. His father was a dignitary in the church of "parts and learning." He was a native of Worcestershire, and after a successful career at Cambridge University, where he was a fellow of St. John's College, he became chaplain to Lord Keeper Coventry, his fellow-countryman, and through Coventry's influence, he was made a prebendary of Norwich, where he acquired some fame as a writer on theological subjects.<sup>3</sup> The future chancellor, who was the prebendary's second

<sup>1</sup> Clarendon's *Corr.*, i. 338.

<sup>2</sup> *Ibid.*, i. 337.

<sup>3</sup> Blomefield's *Norfolk*, iii. 666.

son, entered life, however, as a Norwich apprentice boy. In that humble guise, not long before the close of Charles the First's reign, he was prominent in a royalist rising in the eastern city, and on the arrival of the forces of the Parliament, he was forced "to shift as a rat among joint-stools, to and fro amongst the shambles," while forty pistols were fired at him. By pretending to save the life of a child whom he caught up in his arms, he eluded the soldiers for a moment, and made his way to Yarmouth. There he chanced on a ship setting sail for Holland and, by embarking on it, he escaped narrowly a pursuit which, had it been successful, would have meant death for him on the gallows instead of on the Irish woolsack, which he occupied when his end came. In Holland, he served first in the army, trailing a pike and joining in several actions as a common soldier, and he kept afterwards an eating-house which was frequented by refugee cavaliers. As they were needy, he broke soon, and he came then to London. There he turned his attention to the law, and having obtained employment under the chancery clerks, he advanced by gradual steps to be a barrister in the Middle Temple, being called a few years after the Restoration. To the bar he brought, from his old associations, the habits of a loose liver, but in spite of his failings, he made in chancery business a reputation for professional industry and knowledge of procedure, which was accompanied with gifts for forensic speaking. He owed much to his popularity, being noted for friendship and wit, and he was backed alike by the clerk and the judge. In the closing years of Charles the Second's reign, when the great seal was held by Lord Guilford, who had an early acquaintance with him, he had always the ear of the bench, and business in consequence flowed to him.<sup>1</sup> But at the same time his habits were a continued drain on his resources, and the accession of

<sup>1</sup> North's *Life of Guilford*, ii. 192.



James the Second found him in the position publicly of a benchers and a member of parliament, but privately of a man given to self-indulgence and reduced to a state of chronic impecuniosity.

The three barristers raised to the bench in the places of Reynell, Johnson, and Hartstonge were respectively Thomas Nugent, Denis Daly, and Stephen Rice. None but a Roman Catholic was considered eligible, but within that limitation, professional merit was not ignored. As an attempt to secure in Hartstonge's place an English Roman Catholic barrister, who became a baron of the English Exchequer,<sup>1</sup> failed, the men chosen were all of Irish birth, but amongst their co-religionists, none stood higher at the Irish bar than Daly and Rice, excepting perhaps one or two who would not accept judicial office. After Daly and Rice there was a long interval, and although he is said by Clarendon to have been no lawyer,<sup>2</sup> Nugent was as well entitled professionally to a seat on the bench as any of the remaining Roman Catholic members of the Irish bar. In other respects his claim was undeniable. Since the time of the unhappy chief justice in Elizabeth's reign, the Nugents had become foremost amongst Roman Catholics, and the chief man of the family was regarded by his co-religionists as a leader, a position in which Nugent happened to be at the moment, for the head of the family, who bore then the title of Earl of Westmeath, was a minor and his nephew.

These appointments much perturbed Clarendon and Porter, whose tolerance did not carry them so far as to approve of placing Roman Catholics of Irish birth in judicial office. In regard to Daly, who was of Celtic descent, perfect Irish, "of the old Irish race," Clarendon, unaware of the precedent set at the Restoration, com-

<sup>1</sup> Charles Ingleby: he was on the English bench for only four months.

<sup>2</sup> Clarendon's Corr., i. 356.

mitted himself to the assertion that "it was never yet known that the sword and administration of justice were put into the hands of a conquered people," and Porter considered it his duty to represent into England "the ill consequences of preferring the natives to the degree they now are."<sup>1</sup> Men with such views as Clarendon and Porter, were ill-suited to serve Tyrconnel's purpose, and no time was lost in undermining James's confidence in them. Within three months of his arrival, Porter was openly accused of taking a bribe of ten thousand pounds from the whigs, which was said to be "as true as that he had taken it of the Great Turk,"<sup>2</sup> and six months later his supersession, as well as that of Clarendon, was accomplished.

When Tyrconnel arrived in Ireland in the opening weeks of 1687, to succeed Clarendon as chief governor, there landed with him Porter's successor, Sir Alexander Fitton. Extraordinary as was the early career of Porter, it was tame as compared with that of Fitton. At the time of his appointment as chancellor, twenty-four years had nearly elapsed since Fitton's call to the bar, but those years had been passed by him, not in active pursuit of his profession, but as a prisoner. He was of the same family as Elizabeth's celebrated maid of honour, and the origin of his imprisonment was a contest with Lord Gerard of Brandon, afterwards Earl of Macclesfield, who was his cousin, for the possession of the seat of the Fitton family, Gawsworth, in Cheshire. The contest began a year after the Restoration, in the lifetime of Fitton's father, who was then in the possession of the seat, and turned on the final deposition made by a Sir Edward Fitton, who died in the early stages of the Civil War. To Sir Edward Fitton, Lord Gerard stood in the relation of a sister's son, and Fitton's father in that of first cousin and heir-male. In the contest, Lord Gerard relied on what purported to be a

<sup>1</sup> Clarendon's *Corr.*, i. 357.

<sup>2</sup> *Ibid.*, i. 510, 517.

death-bed will, and Fitton on an indenture, which contained power of revocation, and on what purported to be a deed-poll making the indenture irrevocable, both executed not long before the will. Of the will and the deed-poll, nothing had been heard until the contest began, the succession of Fitton's father having had its justification in the indenture. Two trials, the first before a Middlesex jury and the second before a Cheshire one, ensued, and resulted in verdicts establishing Lord Gerard's title. At the first trial the direct issue was the genuineness of the deed-poll, and that instrument was found to be a forgery. On the justice of this verdict doubt was soon afterwards thrown by the publication of a confession of the chief witness, who was the alleged forgerer, that his evidence was false, and that he had made the assertion that he forged the deed under duress. In the opinion of the house of lords, the confession was "an odious and infamous libel," and at the second trial it had no weight with the jury, before whom the genuineness of the will was made also a direct issue.<sup>1</sup>

The imprisonment of Fitton was a result of the publication of the confession of the alleged forgerer, Granger by name, and of an order made subsequently by the house of lords, that Fitton should be confined until he produced Granger. The latter was a consummate scoundrel with an extraordinary skill in "counterfeiting of hands" who claimed to have cognizance in Ireland, of which country he was a native, of frauds to the amount of a hundred thousand pounds,

<sup>1</sup> A True Narrative of the Proceedings in the severall Suits in Law that have been between the Right Honourable Charles Lord Gerard of Brandon and Alexander Fitton, Esq. Published for generall Satisfaction by a Lover of Truth. Hague: Printed 1663; cf. The Answer of Charles Lord Macclesfield to the Petition and Appeal of Alexander Fytton, A True Account of the Unreasonableness of Mr. Fitton's Pretences against the Earl of Macclesfield, and A Reply to a Paper intituled, A True Account.

and who, in England, fabricated money-bills and corrupted postal officials on a gigantic scale, and Fitton was unable, or never saw fit, to produce him.<sup>1</sup> It is impossible to feel any certainty as to the justice of the decision in Lord Gerard's favour, and it may have been, as has been suggested, that both the will and deed-poll were forged, and that knowledge of the forgery of the will was the origin of the forging of the deed-poll.<sup>2</sup> Certainly, however bad Fitton's character may have been, it cannot have been worse than that of Lord Gerard as pictured by Pepys, who tells of "the ripping up of so many notorious rogueries and cheats of my lord's."<sup>3</sup> On the accession of James the Second, who bore Fitton's adversary, then Earl of Macclesfield, no good will, Fitton applied in chancery to have the decision against him reviewed, but his application was refused on the ground of the length of time since the decision was given, and an appeal to the house of lords failed in like manner.<sup>4</sup> But thereby Fitton came under the notice of James, to whom he recommended himself by becoming a Roman Catholic, and received as compensation for his sufferings, charge of the great seal in Ireland, a country with which he had connexion as a descendant of one of Elizabeth's Irish statesmen, and in which he had probably resided as a boy, if not been born.

It is said that James the Second wished Fitton to act as a restraining influence on Tyrconnel,<sup>5</sup> but even if Fitton had any desire to do so, Tyrconnel gave him no opportunity and proceeded without consulting him to prefer his fellow-countrymen and co-religionists to every office in which a vacancy was found or could be

<sup>1</sup> Lords' Journals, Eng., 1663, June and July; S.P., Dom., 1662-70; S.P., Ire., 1662-3; Pepys's Diary, 1904, iv. 11; vii. 333.

<sup>2</sup> Earwaker's East Cheshire, ii. 562.

<sup>3</sup> Pepys's Diary, 1904, vii. 310.

<sup>4</sup> North's Life of Guilford, i. 438; Lords' Journals, Eng., 1685, May.

<sup>5</sup> Stuart Papers, vi. 16.



made. In the Common Pleas a puisne seat was vacant by the premature death of Gorges, whose judicial career had been a tragic one, for within a year of his appointment to the bench he had lost his wife and a year later he died himself, in debt, with nothing to bequeath beyond his diamond ring, a portrait of a former husband of his wife, and his white horse and travelling equipment, including, beside a saddle and furniture, a case of pistols and a carbine.<sup>1</sup> In the Exchequer the chief seat was made quickly vacant by the dismissal of Henn, and in the King's Bench the chief seat became before long vacant by the premature death of Davys, who had lost, to some extent, his popularity with Ormond through a second marriage to a daughter of the house of Kildare, and had shown himself very complaisant to the new regime.<sup>2</sup> To the position of chief baron Rice was promoted, and to that of chief justice of the King's Bench, Nugent. Thus within eight months of Tyrconnel's arrival a puisne seat in each court had to be filled. "The persons advanced were," says a leading Jacobite,<sup>3</sup> "his creatures, dependents and relations, all of his own nomination, and not only poor and indigent persons, but also, for the most part, scandalously ignorant in the laws." The seat in the Common Pleas fell to Peter Martin, a native of Galway, and the seats in the Exchequer and King's Bench to two Irish baronets, Henry Lynch and Bryan O'Neill, none of whom had more than fourteen years' standing at the bar.

After the Revolution the three surviving Protestant judges were in a most unenviable position. Under date at Dublin, February 9, 1689, *The Orange Gazette* says that :

This evening, Mr. Justice Lyndon and his lady, going bag and baggage for England, Tyrconnel sent four waiters

<sup>1</sup> Will dated 1686, Dec. 10, formerly preserved in Pub. Rec. Off., Ire.

<sup>2</sup> Clarendon's Corr., ii. 25; Marquess of Ormonde's MSS., N.S. vii. 481.

<sup>3</sup> Thomas Sheridan : Stuart Papers, vi. 20.



to bring them ashore with their money and plate, and Tyrconnel, having by a new device seized upon the leading Protestants in Westmeath, as Mr. Phillips and Bowyer, etc., under pretence of their holding correspondence with the rebels in the north, has granted a commission of oyer and terminer and sent the said Judge Lyndon to try them for their lives, promising him his plate and money upon his return, if he finds he behaves himself well in the management of that commission.<sup>1</sup>

To some extent this report is corroborated by the fact that Lyndon acted as a justice of assize that spring, but in Ulster, and that he went subsequently to England taking with him his wife and children, but "sustaining the loss of all his goods, plate, and estate."<sup>2</sup> His place was never filled by James, it has been said, because no one was willing to pay the fees for a patent, Unlike Lyndon, Worth was allowed to go to England,<sup>3</sup> but during the spring assizes, when he was appointed to act, like Lyndon, in Ulster, he was superseded in his seat in the Exchequer in favour of the Jacobite recorder of Dublin, Sir John Barnewall. Keatinge was then the sole Protestant remaining. He clung to office and was prepared to suffer any indignity. As an example of James's tolerance, he was, on the day James entered Dublin, made a prominent figure in the pageant, seated in his coach in scarlet robes, but he was not trusted and the next day his name was struck out of the privy council.<sup>4</sup>

Before James's parliament met, in the summer of 1689, Fitton was raised to the peerage as Lord Gawsworth, and Nugent as Lord Riverston, and they acted respectively as speaker and chairman of committees in the house of lords, and were prominent in debate.<sup>5</sup> To gratify Tyrconnel, his nephew, Sir

<sup>1</sup> Issue of Feb. 19-22.

<sup>2</sup> Black Books of Lincoln's Inns, iii. 169.

<sup>3</sup> Clarendon's Corr., ii. 243, 273, 288.

<sup>4</sup> Ireland's Lamentation, Lond. 1689.

<sup>5</sup> Journal of the Parliament in Ireland, Lond. 1689.

William Talbot, was made master of the rolls. Thus, in the closing year of James's rule in Ireland all the members of the bench were, excepting Keatinge, Roman Catholics, and, with the possible exception of Fitton, of Irish birth :

Chancellor . . . .	Alexander Fitton, Lord Gawsworth.
Master of the Rolls . . .	Sir William Talbot, baronet.
Chief Justice of the King's Bench	Thomas Nugent, Lord Riverston.
Justice of the King's Bench	Sir Bryan O'Neill, baronet.
Chief Justice of the Com- mon Pleas . . . .	John Keatinge.
Justice of the Common Pleas . . . .	Denis Daly. Peter Martin.
Chief Baron of the Ex- chequer . . . .	Sir Stephen Rice.
Barons of the Exchequer .	Sir Henry Lynch, baronet. Sir John Barnewall.

As a result of the victory of William the Third at the Boyne, James's bench had been little more than constituted when it was dispersed. Of the members appointed by James, none served much more than four years, and two little more than one year. Short as their judicial life was, they incurred during it much opprobrium amongst protestants, and in polemical writings of the time they are accused, with few exceptions, of lack of probity as well as lack of knowledge.<sup>1</sup> In the circumstances a high judicial standard was hardly to be expected, but as we have seen in the opinion of Jacobites themselves, it might have been more nearly obtained than it was, and it seems to have been actually reached in one case, that of Daly. But it is worthy of notice that the vast majority of James's judges were not held to have been responsible for any

<sup>1</sup> King's State of the Protestants, Lond. 1691.

act that deprived them of the right of citizenship, nay more, of respect. Both Nugent and Rice, who survived until after the Hanoverian accession, were restored to their estates, and in a letter from William's general, Nugent was accorded his title as a peer,<sup>1</sup> and during Anne's reign Rice was allowed to argue the case of his co-religionists before the Irish parliament.<sup>2</sup> So far as is known, with two exceptions, all the members of James's bench continued to reside in Ireland. The exceptions were the chancellor, Fitton, and the second baron of the Exchequer, Lynch, who died respectively at St. Germain and at Brail. In Fitton's case no reason is known for change of residence, which possibly was the result of dislike of Ireland, or of a weak and timorous character, such as has been attributed to him by the Jacobite writer already quoted,<sup>3</sup> but in Lynch's case there was good reason for flight, if reliance can be placed on a letter in which it is alleged that when the lives of Protestants were in question, animus, not justice, dictated his decisions.<sup>4</sup>

Even after the arrival of William's forces the ordinary legal procedure was not allowed to lapse. Four months before the battle of the Boyne, assizes were held in Ulster by commissioners appointed by William, and in the rest of Ireland which was divided into four circuits, by the judges. Nugent and Martin took the Connaught, Daly and O'Neill the Munster, Keatinge and Barnewall the Leinster, comprising on that occasion Wexford, Kilkenny, Tipperary, and the King's county, and Rice and Lynch a circuit called the Home, comprising Louth, Meath, Wicklow, Kildare, Carlow, and the Queen's county.

<sup>1</sup> Complete Peerage, vi. 109.

<sup>2</sup> Dict. Nat. Biog., xlviii. 103.

<sup>3</sup> Stuart Papers, vi. 19, 40.

<sup>4</sup> Hist. MSS. Com., Rept. 2, App. p. 222 n.

## SUCCESSION

### OF THE

CHANCELLORS, MASTERS OF THE ROLLS, CHIEF JUSTICES, AND JUSTICES OF THE CHIEF PLACE, OR THE UPPER BENCH, OR THE KING'S BENCH, CHIEF JUSTICES AND JUSTICES OF THE COMMON BENCH OR THE COMMON PLEAS, THE CHIEF BARONS AND BARONS OF THE EXCHEQUER APPOINTED TO THE JUDICIAL BENCH IN IRELAND FROM THE REIGN OF JAMES I TO THE BATTLE OF THE BOYNE, 1603-90.

### CHANCELLORS

- 1605. Thomas Jones, archbishop.
- 1619. Adam Loftus, viscount.
- 1639. Richard Bolton, knight.
- 1656. William Steele.
- 1660. Maurice Eustace, knight.
- 1665. Michael Boyle, archbishop.
- 1686. Charles Porter, knight.
- 1687. Alexander Fitton, baron.

### MASTERS OF THE ROLLS

- 1609. Francis Aungier, baron.
- 1633. Christopher Wandesford.
- 1641. John Temple, knight.
- 1677. William Temple, baronet.
- 1689. William Talbot, baronet.

### CHIEF JUSTICES OF THE CHIEF PLACE, OR THE UPPER BENCH, OR THE KING'S BENCH

- 1603. James Ley, knight.
- 1608. Humfrey Winch, knight.
- 1612. John Denham, knight.

- 1617. William Jones, knight.
- 1620. George Shurley, knight.
- 1654. Richard Pepys.
- 1659. William Basil.
- 1660. James Barry, baron.
- 1673. John Povey, knight.
- 1679. Robert Booth, knight.
- 1681. William Davys, knight.
- 1687. Thomas Nugent, baron.

JUSTICES OF THE CHIEF PLACE, OR THE UPPER  
BENCH, OR THE KING'S BENCH

- 1604. Lewis Proude.
- 1605. Geoffrey Osbaldeston.
- 1607. Dominick Sarsfield, knight.
- 1607. Christopher Sibthorpe, knight.
- 1612. William Sparke, knight.
- 1623. Edward Harris, knight.
- 1633. Hugh Cressy.
- 1636. William Ryves, knight.
- 1643. Thomas Bavand.
- 1644. Thomas Dongan.
- 1659. John Santhey.
- 1659. John Cook.
- 1660. William Aston, knight.
- 1660. Thomas Stockton.
- 1672. Oliver Jones.
- 1674. Richard Reynell, baronet.
- 1682. John Lyndon.
- 1688. Bryan O'Neill, baronet.

CHIEF JUSTICES OF THE COMMON BENCH OR  
COMMON PLEAS

- 1612. Dominick Sarsfield, viscount.
- 1634. Gerard Lowther, knight.
- 1660. James Donnellan, knight.
- 1665. Edward Smythe, knight.
- 1670. Robert Booth, knight.
- 1679. John Keatinge.



JUSTICES OF THE COMMON BENCH OR THE  
COMMON PLEAS

- 1604. John Adye.
- 1606. Charles Calthrope, knight.
- 1610. Gerard Lowther, knight.
- 1622. John Philpot, knight.
- 1625. Samuel Mayart, knight.
- 1637. James Donnellan, knight.
- 1644. William Hilton.
- 1660. Jerome Alexander, knight.
- 1660. Robert Booth, knight.
- 1670. Robert Johnson.
- 1670. Oliver Jones.
- 1672. Adam Cusack.
- 1682. Arthur Turner.
- 1684. Samuel Gorges.
- 1686. Denis Daly.
- 1687. Peter Martin.

## CHIEF BARONS OF THE EXCHEQUER

- 1606. Humfrey Winch, knight.
- 1609. John Denham, knight.
- 1612. William Methold, knight.
- 1621. John Blennerhasset, knight.
- 1625. Richard Bolton, knight.
- 1639. Edward Bolton, knight.
- 1655. Miles Corbet.
- 1660. John Bysse.
- 1680. Henry Henn.
- 1687. Stephen Rice, knight.

## BARONS OF THE EXCHEQUER

- 1603. Gerard Comerford.
- 1604. Thomas Cary.
- 1605. Robert Oglethorpe, knight.
- 1609. John Blennerhasset, knight.
- 1617. Lancelot Lowther, knight.
- 1624. Lawrence Parsons, knight.

- 1628. Gerard Lowther, knight.
- 1634. James Barry, knight.
- 1638. William Hilton.
- 1659. John Santhey.
- 1660. Richard Kennedy, baronet.
- 1660. Thomas Dongan.
- 1663. John Povey.
- 1673. Henry Henn.
- 1680. Standish Hartstonge, baronet.
- 1681. William Worth.
- 1686. Stephen Rice.
- 1687. Henry Lynch, baronet.
- 1688. John Barnewall, knight.

## CATALOGUE

### OF THE

CHANCELLORS, MASTERS OF THE ROLLS, CHIEF JUSTICES, AND JUSTICES OF THE CHIEF PLACE, OR THE UPPER BENCH, OR THE KING'S BENCH, CHIEF JUSTICES AND JUSTICES OF THE COMMON BENCH OR THE COMMON PLEAS, AND CHIEF BARONS AND BARONS OF THE EXCHEQUER APPOINTED TO THE JUDICIAL BENCH IN IRELAND FROM THE REIGN OF JAMES I TO THE BATTLE OF THE BOYNE, 1603-90.

**1603 Gerard Comerford ;**

was son of Fowke Comerford of Callan in co. Kilkenny and Rosina Rothe ; entered the Inner Temple 1578 ; acted subsequently as a negotiator for the government in Munster and was maimed by rebels ; appears again in England 1583 ; was granted then a pension and given leave to return to Ireland for the recovery of his health ; was appointed attorney-general for Connaught 1584 ; became a member for Callan 1585 ; appears as under restraint a month later, and was involved in disputes between the president of Connaught and the lord deputy 1587 ; became one of the council of Connaught 1588 ; appears again in England 1591 ; gave then proof to the queen of his integrity and capacity and was granted his office for life ; made a report as to the disturbed state of Galway 1597 ; was then in peril of his life and obliged to provide himself with a guard ; appears subsequently residing in Castleinch in co. Kilkenny ; went to Ennis 1599 ; represented then to Sir Robert Cecil the distressed state of Connaught and Thomond ; appears as a member of the council of Munster 1600 ; became then second justice of that province ; was appointed second baron of the Exchequer 1603 ; died 1604 ; left issue.

**1603 James Ley, knight, afterwards Earl of Marlborough ;**

was sixth son of Henry Ley, a cadet of a Devonshire family, and Dyonisia de St. Mayne ; was born in Teffont Evias in

Wiltshire 1552 ; matriculated in Oxford University from Brasenose College as a fellow-commoner 1569 ; graduated there as a bachelor of arts 1574 ; appears as a barrister of New Inn 1577 ; became then a member of Lincoln's Inn ; was called to the bar 1584 ; married Mary, eldest daughter of John Pettie of Stoke Talmage in Oxfordshire ; was returned as member for Westbury 1597 ; became a bencher of his inn 1600 ; acted there as censor of religion and good life ; failed to secure a seat in parliament at the general election of 1601 ; acted as reader of his inn 1602 ; became second justice of the Carmarthen circuit 1603 ; was knighted by the king at Wilton in the autumn of that year ; became a serjeant ; went to Ireland as chief justice of the King's Bench in the winter ; was re-elected member for Westbury 1604 ; acted as justice of assize in Queen's co. and co. Carlow in the winter of that year and in cos. Wexford, Kilkenny, and Carlow in the spring and summer of 1605 ; accompanied Lord Deputy Chichester to Ulster and held assizes there also in that summer ; was then a keeper of the great seal ; lost a servant from epidemic disease and retired into the country in the autumn ; became active in suppressing recusancy ; was accused by a few of injustice, but bore generally the reputation of being a worthy and great gentleman, a wise councillor and a sincere and upright judge ; proposed to wait on the king, but was assured that it was not necessary ; accompanied Chichester to Ulster again and held assizes there in the summer of 1606 ; acted as justice of assize in cos. Waterford, Wexford, and Wicklow in the autumn of that year and in Ulster in the summer of 1607 ; desired to go to England in the winter of the latter year, but was deterred by considerations of health ; became a commissioner for the plantation of Ulster 1608 ; acted as justice of assize in the summer of that year ; went afterwards to England ; was elected treasurer of the King's Inns in the autumn ; accepted the office of attorney to the English court of wards and resigned his seat on the Irish bench ; was said by Bacon to have displayed in Ireland gravity, temper, and discretion ; advised afterwards as to Irish affairs ; was given precedence of the attorney-general 1609 ; became governor of his inn same year ; acted as treasurer of it 1610 ; became member for Bath 1614 ; is said to have offered ten thousand pounds for the office of

attorney-general 1617 ; married as his second wife, Mary, daughter and co-heir of Thomas Pierson, usher of the court of Star Chamber and widow of Sir William Bowyer 1618 ; was created a baronet 1619 ; appears then seated at Westbury ; married as his third wife the Hon Jane Butler, third daughter of John, Lord Botcler and niece of George, Duke of Buckingham 1621 ; became a member of the Prince of Wales's council ; was re-elected member for Westbury, and acted as a commissioner of the great seal same year ; became chief justice of the King's Bench 1622 ; acted sometime as speaker in the house of lords ; was promoted to the position of lord treasurer 1624 ; was created then Baron Ley and two years later Earl of Marlborough ; exchanged office of lord treasurer for that of president of the council 1628 ; died 1629 ; was buried at Westbury where there is a magnificent monument to his memory ; was author of a legal treatise and law reports, and of papers on antiquarian subjects ; prepared for publication three early Irish chronicles, the *Annals of John Clyn*, of St. John's Priory in Kilkenny, and of *Monte Fernandi*. [Dict. Nat. Biog. ; Foss's Judges ; Wood's Ath. Oxon. ; Williams's Great Sessions in Wales.]

**1604 Thomas Cary ;**

was a native of Devonshire and was probably a kinsman of Sir George Cary, then lord deputy of Ireland ; entered Gray's Inn 1580 ; became an ancient 1584 ; was appointed to the Irish bench as second baron of the Exchequer 1604 ; surrendered that office within a year.

**1604 Lewis Proude ;**

was a native of Shropshire ; matriculated in Cambridge University from St. John's College 1576 ; appears as a member of Furnival's Inn 1578 ; entered then Lincoln's Inn ; was called to the bar 1587 ; became a bencher 1602 ; was reputed to be an able lawyer 1604 ; was appointed then to the Irish bench as a justice of the King's Bench ; was unaware of intention to appoint him, and did not act ; appears as unable by sickness to read in his inn 1605 ; acted as reader 1606 ; kept the "Black Book" 1609 ; acted as treasurer 1613.

**1604 John Adye ;**

appears as a member of the Middle Temple 1588 ; was reputed to be an able lawyer 1604 ; was appointed then to



the Irish bench as a justice of the Common Pleas; was unaware of intention to appoint him, and did not act; appears as a master of the utter bar in the Middle Temple 1605.

**1605 Robert Oglethorpe, knight;**

was a native of Bardsey in Yorkshire; was born about 1564; matriculated in Oxford University from Lincoln College 1581; entered Gray's Inn 1588; was called to the bar 1597; furnished a certificate that he and his wife were communicants 1601; became an ancient 1603; went to Ireland as second baron of the Exchequer 1605; was said to have served in that court and as justice of assize with great advantage to the crown and was recommended for the dignity of the coif later in the same year, but was represented by Lord Deputy Chichester as unequal for his place 1607; received knighthood from Chichester 1608 and offered to become an undertaker in Ulster 1609; was described by Chichester in a survey of the judiciary as "a poor man" 1611; appears in attendance on the house of lords 1614; acted as a justice of assize until 1623.

**1605 Geoffrey Osbaldeston;**

was third son of Edward Osbaldeston, a member of an ancient Lancashire family seated at Osbaldeston Hall, and Maud, daughter and co-heir of Sir Thomas Halsall; was born 1558; matriculated in Oxford University from St. Mary's Hall 1575; entered Gray's Inn 1577; became an ancient 1593; went to Ireland as a justice of the King's Bench 1605; was represented by Lord Deputy Chichester as unequal for his place 1607; became chief justice of Connaught same year; served on several commissions there 1611-16; wrote a report as to the condition of the town of Galway 1626; married Lucy, daughter of John Warren of Poynton in Cheshire, and had issue. [Baines's County of Lancaster, 1891, iv. 55.]

**1605 Thomas Jones, archbishop of Dublin;**

belonged to a family from which the house of Jones of Llanarth derives; was younger son of Henry Jones of Middleton in Lancashire and a daughter of the house of Daniell of Acton in Suffolk, and was younger brother of Sir Roger Jones, sometime sheriff and alderman of London; matriculated in Cambridge University from Christ's College as a sizar 1565; graduated as bachelor of arts 1570 and became master of arts 1573; went to Ireland about that

time ; resided there in Archbishop Loftus's house ; became chancellor of St. Patrick's Cathedral ; appears as a commissioner for ecclesiastical causes 1578 ; was said to be one of the few good preachers in Ireland 1581 ; furnished then a report as to the persistence in " Romish doctrines " of three participants in the Nugent rebellion at the time of their execution ; became dean of St. Patrick's Cathedral 1582 ; appears preaching at Waterford 1583 ; was recommended by Archbishop Loftus for the see of Armagh 1584 ; became a few months later bishop of Meath with a seat on the council ; was closely allied in affairs of church and state with Archbishop Loftus, whose sister-in-law he married ; took the part of Loftus against Lord Deputy Perrot 1585 ; attacked Perrot and Sir Nicholas White from the pulpit for toleration of recusancy 1586 ; visited England to obtain remission of first-fruits 1587 ; was then admonished by Elizabeth for his sermon, but was sent back to Ireland with marks of her favour ; went to Connaught on commissions as to its government in the spring of 1588, and again in the spring of 1589 ; was accused afterwards of malice towards the governor and of corruption and hypocrisy ; denied the justness of these charges and professed his desire to confine himself to his episcopal duties ; appears residing at Ardbraccan, his episcopal seat in co. Meath ; was appointed on a commission to obtain evidence against Perrot and was the only member whose conduct escaped censure 1590 ; celebrated the marriage of the Earl of Tyrone to Mabel Bagenal, the Helen of the Elizabethan wars in Ireland, 1591 ; took a leading part in the foundation of Trinity College, Dublin 1592 ; was accused with Loftus of improper use of church patronage same year ; appears assisting in negotiations with the Earl of Tyrone 1593 ; was obliged to leave Ardbraccan owing to the disturbed state of the country 1596 ; engaged again in negotiations with Tyrone 1597-8 ; preached a " grave, wise, and learned sermon " when the Earl of Essex took the sword 1599 ; was accused again with Loftus of neglect of his diocese and was censured by Elizabeth for his " remiss and unchristianlike carriage " 1600 ; pleaded the effect of Tyrone's rebellion and was exonerated from blame 1601 ; saw from Ardbraccan flames kindled by the rebels same year ; became on the death of Loftus a commissioner of the great seal 1605 ; was recommended by Lord

Deputy Chichester to succeed Loftus on the ground of his great sufficiency, wisdom, honesty, and experience; accompanied Chichester to Ulster in the summer; became archbishop of Dublin in the autumn of that year; delivered a few days later in the castle chamber a speech on the Gunpowder Plot; accompanied Chichester to Ulster again in the summer of 1606; complained that his letters to the ministers in England were unnoticed 1607; was then much distressed by the recusancy of one of his sons-in-law, Sir Henry Piers of Tristernagh; visited afterwards the diocese of the notorious Miler Magrath, archbishop of Cashel, and made a severe report on Magrath's conduct; disclosed threats of Lord Delvin to take the life of the Earl of Salisbury at the close of that year; was accused of violating confidence, seeking the aid of a diviner, spreading scandal, and interfering with justice; took the allegations much to heart 1608; became involved in charges of disloyalty made against Sir Garret Moore, afterwards first Viscount Drogheda, whose daughter his son had married 1609; went with Chichester to survey Ulster in the summer of that year; became "sickly and very weak" and was obliged to return to Dublin; wrote a letter to the king in Latin on the allegations made against him in the winter; became a member of the King's Inns 1610; complained of the unreasonableness of the suitors of his court 1611; acted as speaker of the house of lords 1613, and as a lord justice during Chichester's absence 1614; received the degree of doctor of divinity from Dublin University *honoris causa* in the summer of the latter year; acted again as speaker of the house of lords in the autumn and in the spring of 1615; complained during the latter session of the conduct of a member of the house of commons in attempting to bribe him; acted again as a lord justice 1616; died 1619; was buried in St. Patrick's Cathedral; where there is a monument to his memory; left by his wife Margaret, daughter of James Purdon, and widow of John Douglas, a son Roger, who was created Viscount Ranelagh, and was grandfather of the Earl of Ranelagh. [Dict. Nat. Biog.; Ware's Bishops; Mason's Cath. of St. Patrick, pp. 174, xlix.]

**1606 Charles Calthrope, knight;**

belonged to an ancient Norfolk family; was son of Sir

Francis Calthrope of Hempstead and Ingham and Elizabeth daughter of Ralph Berney of Gunton; entered Lincoln's Inn 1560; delivered readings on copyholds in Furnival's Inn which were published 1562; was called to the bar 1569; became member for Eye 1572; was elected a bencher of his inn 1582; went to Ireland as attorney-general 1584; appears as a correspondent of the English ministers; became a partisan of Lord Deputy Perrot; was said by Perrot's opponents to be insufficient as a lawyer and an advocate and to be in subjection to his brethren of Irish birth 1587-90; served on a commission to collect evidence against Perrot and was censured for his conduct; was suspended for a time during which he resided at Kilsallaghan near Dublin 1590-2; was unwilling to act as chief justice of Munster and pleaded to be excused on the grounds of unfitness and of his wife's health 1594; sought the chief justiceship of the Common Bench, but relinquished his pretensions on finding the salary was to be reduced 1597; appears in London residing in his inn 1604; received knighthood from Lord Deputy Chichester 1605; was found by Chichester to be a weak official; became third justice of the Common Bench 1606; went as justice of assize to Kildare in the spring of 1607; received an increased fee 1608; was stated to be "an old weak man, unable to serve," 1611; died 1616; married twice, first Winifred, daughter of Antony Toto, serjeant painter to Henry VIII, who died in 1605; and secondly, Dorothy, daughter of John Deane of London, who had been previously twice married and who died a few months after her third husband. [Dict. Nat. Biog.; Notes and Queries, 3 S., iii, 489; iv. 55.]

**1606 Humfrey Winch, knight;**

was younger son of John Winch, sometime resident at Northill in Bedfordshire and owner of manor of Langford Rectory in that shire; was born 1555; matriculated in Cambridge University from St. John's College 1570; entered Lincoln's Inn 1573; was called to the bar 1581; became member for Bedford 1593; was elected a bencher of his inn 1596; acted as reader 1598; became a censor of religion and good life 1600; acted as keeper of the "Black Book" 1602; became treasurer 1605; was re-elected for Bedford 1597, 1601, 1604, 1606; was recommended as a man of judicial



capacity and integrity 1606 ; went to Ireland as chief baron of the Exchequer same year ; was given the dignity of the coif and knighted ; proved to be “an understanding and painful gentleman” ; complained of inadequate assistance and fee 1607 ; went as justice of assize to Munster in the summer of that year and to Meath in the summer of 1608 ; was promoted to the chief justiceship of the King’s Bench in the latter year ; accompanied Lord Deputy Chichester to Ulster 1609 ; desired leave to return to England 1610 ; sent the Earl of Salisbury then a couple of Irish greyhounds ; received leave to retire on account of ill-health which was attributed to the Irish climate ; was detained by Chichester to arrange business for his projected parliament ; was said by Bacon to have distinguished himself in Ireland by his quickness, industry, and dispatch ; appears at court advising as to Irish affairs 1611 ; sent afterwards from his seat at Everton in Bedfordshire some of his country fowl as “a poor mite” to the Earl of Salisbury ; was released from office in Ireland and was appointed a justice of the Common Pleas in England 1612 ; went to Ireland on a commission to enquire as to the grievances of the recusants 1613 ; condemned at Leicester nine women to death as witches and incurred much odium 1616 ; was appointed a member of the Welsh council 1623 ; died in London 1625 ; was buried in Everton Church, where there is a monument with a striking effigy to his memory ; married Cicely, daughter of Richard Onslow, sometime speaker of the English house of commons, and was succeeded by a son called Onslow, whose son was created a baronet ; was author of two legal works. [Dict. Nat. Biog. ; Foss’s Judges ; Nichols’s Collect. Top. et Gen., iii. 86 ; Viet. Hist., Bedford county, ii. 227, 229, 235.]

**1607 Dominick Sarsfield, Viscount Kilmallock ;**

was third son of Edmund Sarsfield, an alderman of Cork ; appears as a member of New Inn 1593 ; entered then the Middle Temple ; appears as a practising barrister in Ireland 1600 ; was appointed attorney-general for Munster same year ; became chief justice of that province 1604 ; received knighthood from Lord Deputy Chichester at Dublin Castle 1605 ; was commended for his integrity by the lords and gentlemen of Munster later in that year ; became third justice of the King’s Bench 1607 ; sent the Earl of Salisbury,



although unknown to him, a dissertation upon Munster 1609; became second justice of the King's Bench same year; appears then in the possession of Carrigleamleary Castle on the banks of the Blackwater near Mallow; received in consideration of his services and adherence to the established church a grant of the reversion of the chief justiceship of the Common Pleas 1610; was recommended by the future Earl of Cork as a gentleman of great good parts with much power in Munster 1611; succeeded to the chief justiceship of the Common Pleas 1612; appears in attendance on the house of lords 1614; was summoned to England owing to doubt as to the validity of his patent, but not as to "his person or parts" 1615; proved himself there "worthy of his character" and was granted a new patent; arranged a marriage between his son and a daughter of the Earl of Cork 1617; was created without application on his part, the first baronet of Ireland 1619; broke off the contract for his son's marriage 1621; visited England with a letter of introduction from the Earl of Cork to the Duke of Buckingham same year; was created a peer as Viscount Kinsale in the spring of 1625; went the Leinster circuit in the summer of that year; secured while on it a capital conviction which was afterwards held to have been obtained for corrupt motives; had prolonged controversy with Lord Courcy of Kinsale as to his assumption of that title 1626; was reported as likely to be superseded same year; received the title of Rosscarberry 1627; became ultimately Viscount Kilmallock; was alleged to have countenanced his son in recusancy 1628, and to be himself a treasonable conspirator 1631; acted constantly as a justice of assize going generally the Connaught circuit; was tried in London in the Star Chamber for corruption in the case mentioned 1633; was committed to the Fleet, fined £2,000, and ordered to pay £1,000 damages, and was deprived of office; died 1636; was buried in Cork in Christ Church; married twice, his second wife being Anne, daughter of Sir Nicholas Bagenal and widow of Sir Dudley Loftus the eldest son of Archbishop Loftus.

**1607 Christopher Sibthorpe, knight;**

was third son of John Sibthorpe of Much Bardfield in Essex and was a kinsman of Robert Sibthorpe, sometime bishop of Limerick; matriculated in Cambridge University; entered

the Middle Temple 1584; appears as expelled for non-conformity 1588; was called to the bar 1594; went to Ireland as third justice of the King's Bench 1607; was sent to Ulster to indict the Earls of Tyrone and Tyrconnel same year; sought increase of salary; was said then to be "an honest man and well liked of," appears as a friend of James Ussher and author of a book about to be published same year; became one of the undertakers for planting co. Fermanagh 1612; was elected member for Limavady 1613; took a leading part in the debates of the Irish house of commons 1614-15; was knighted 1618; published "A Friendly Advertisement to the pretended Catholickes of Ireland" 1622; replied to a popish adversary 1625; became treasurer of the King's Inn 1629; acted constantly as justice of assize; died 1632; married but left no issue; was connected through his wife with the parish of Ballymore in co. Westmeath. [Dict. Nat. Biog.; Ware's Writers.]

**1609 John Denham, knight;**

was a native of London; appears as a member of Furnival's Inn 1577; entered then Lincoln's Inn; was called to the bar 1587; became a bencher 1603; acted as reader 1608; went to Ireland as chief baron of the Exchequer 1609; was given then the dignity of the coif and was knighted; sent the Earl of Salisbury a couple of young male goshawks 1611; was appointed chief justice of the King's Bench 1612; came to England to report on the proceedings of the recusants in the Irish parliament 1613; appears then as a friend of the Earl of Cork; acted constantly as a justice of assize, appearing in co. Wicklow in the spring of 1611, in co. Clare in the spring of 1612, in Leinster in the summer of 1614, and in co. Kildare 1615; complained of indisposition in the last year; acted as a lord justice 1616; appears as a commissioner for the plantation of Ulster same year; was said by Borlase to have raised in Ireland a large revenue for the crown and was eulogized by Bacon for his care for the commonwealth and prudence in policy while in that country; returned to England as a baron of the Exchequer 1617; appears at court advising as to Irish affairs 1618-19; became seated at Egham in Suffolk; died 1639; was buried at Egham where there a monument to his memory; married twice, first Cicely, daughter of Richard Kellefet, and secondly the Hon. Eleanor

Moore, daughter of Garret, first Viscount Drogheda ; had by his second wife an only son, Sir John Denham, the poet. [Dict. Nat. Biog. ; Foss's Judges.]

**1609 Francis Aungier, Lord Longford ;**

was eldest son of Richard Aungier, of Gray's Inn and of Cambridge, who was murdered by one of his younger sons, and Rose, daughter of William Steward ; was born 1558 ; appears at Westminster School, matriculated in Cambridge University from Trinity College 1574 ; entered Gray's Inn 1577 ; was called to the bar 1583 ; became member for Newcastle-under-Lyme 1588 ; was chosen an ancient of his inn 1593 ; became member for Haslemere 1598 ; acted as reader of his inn 1602 ; married a sister of Gerald, Earl of Kildare ; went to Ireland as master of the rolls 1609 ; was knighted then by the king at Greenwich ; sought the guardianship of his wife's nephew who had succeeded to the earldom of Kildare 1612 ; appears in attendance on the house of lords 1614 ; became a commissioner for the plantation of Munster 1616 ; was appointed a commissioner of the great seal on the death of Archbishop Jones and was recommended as his successor 1619 ; tendered a profession of his service to the Duke of Buckingham a few months later ; became first commissioner for the plantation of Longford 1620 ; obtained lands there himself ; was created Baron Longford 1621 ; received a licence to import lead for building in co. Longford same year ; was sent by the Earl of Cork presents of goshawks and Rhenish wine and acted as godfather to one of the earl's sons 1619-23 ; arbitrated in a cause of the earl in the latter year ; was accused of corruption by James Spottiswood, bishop of Clogher 1627 ; resided in Dublin in the former monastery of the White Friars, and gave its name to Aungier-street, which occupies the site of the monastery ; acted constantly as a justice of assize ; died at the Whitefriars 1632 ; desired that his body should be buried privately in a little chapel near his house ; was accorded two months later a funeral with full heraldic pageantry in St. Patrick's Cathedral ; married three times, first Douglas, daughter of the Hon. Edward Fitzgerald, secondly Anne, daughter of Sir George Barne, and thirdly Margaret, daughter of Sir Thomas Cave and widow of Sir John Wynne ; left many children including Gerald, his successor.

**1609 John Blennerhasset, knight ;**

was a native of Norfolk and a kinsman of Robert Blennerhasset, ancestor of the Blennerhassets of Ballyseedy in co. Kerry ; appears as a barrister of Furnival's Inn 1583 ; entered then Lincoln's Inn ; was called to the bar 1591 ; became a bencher 1609 ; went to Ireland as an extra baron of the Exchequer on account of the infirmity of some of the barons same year ; was knighted then by the king at Hampton Court, and was given place after the chief baron ; was said to be a good servant for the crown 1611 ; became treasurer of the King's Inns same year ; was elected member for the borough of Belfast 1613 ; appears in attendance on the house of lords 1614 ; became a commissioner for the plantation of Wexford 1615 ; negotiated a marriage between a son of Viscount Drogheda aged eighteen and a daughter of the Earl of Cork aged nine 1617 ; visited England 1619 ; was appointed chief baron 1621 ; acted constantly as a justice of assize, going frequently the north-east circuit ; died 1624 ; was buried in Dublin in St. Patrick's Cathedral ; married Ursula, daughter of Edward Duke, of Benhall, in Suffolk ; had many children including Henry, his eldest son, who went to America and was drowned in the river Amazon ; became through one of his daughters, an ancestor of the Viscounts Monck.

**1610 Gerard Lowther, knight ;**

was second son of Sir Richard Lowther of Lowther in Westmorland and Frances daughter of John Middleton of Middleton in that county ; entered the Inner Temple 1580 ; held puritanical opinions and kept his hat on in church, as well as at the kitchen-door, for which he was fined 1589 ; was called to the bar 1590 ; went to Ireland as an additional justice of the Common Bench on account of the infirmity of some of the justices 1610 ; appears as fourth in rank 1611 ; was said then to be likely to do good service ; appears as the especial friend of the earl of Cork 1613 ; " winked " then from the bench at the earl's legal adviser ; was elected member for the earl's pocket-borough of Tallow later in that year ; acted as treasurer of the King's Inns 1616 ; received knighthood from the lord deputy 1618 ; appears as an undertaker in Tyrone and Fermanagh ; was given by the Earl of Cork a couple of falcons and promised to send



him some roe deer 1621; acted constantly as justice of assize; died 1624; was buried in Dublin in Christ Church Cathedral; married twice, first Grace, daughter of Alan Bellingham of Levens in Westmorland and widow of Edmund Cliburn of that county, who died 1594, and secondly Anne, daughter and co-heir of Sir Ralph Bulmer of Wilton, co. Durham, and widow of one of the Welburys of Castle Eden in that county. [Trans. Cumb. and Westm. Ant. and Arch. Soc., N.S., ii, 2.]

**1612 William Methold, knight;**

was eldest son of William Methold of Rushworth and South Pickenham in Norfolk, and Susanna, daughter of George Alington of Rushworth and Swinhope in Lincolnshire; appears as a barrister of Lyon's Inn 1581; entered then Lincoln's Inn; was called to the bar 1589; acted on committees as to new buildings and the library; was deputy treasurer 1607; became a bencher 1608; appears as a serjeant 1612; went to Ireland as chief baron of the Exchequer same year; was knighted then by the king; appears in attendance on the house of lords 1614; was one of the commissioners of the great seal 1619; acted as a justice of assize; died 1621; was buried in Dublin in Christ Church Cathedral; married Margaret, daughter of John Southwell of Barham in Suffolk. [Dict. Nat. Biog.; Water's Chesters of Chicheley.]

**1612 William Sparke, knight;**

was a native of Suffolk; appears as a member of Thavies Inn 1586; entered then Lincoln's Inn; was called to the bar 1594; went to Ireland as an additional justice of the King's Bench on account of the want of justices for circuit and congestion of business 1612; was given then fourth place with promise of second when vacant; was said to be a learned and upright judge who was likely to be of service; appears in attendance on the house of lords 1614; received knighthood in Ireland from the lord deputy 1619; became treasurer of the King's Inns 1621; acted frequently as justice of assize; died 1623; was buried in Dublin in St. Audoen's church; married twice, firstly Elizabeth Hales, and secondly Mary daughter of John Brice, sometime mayor of Dublin, and widow successively of John Hoey, serjeant-at-arms, and of Roger Downton.



**1617 William Jones, knight ;**

was eldest son of William Jones of Castellmarch in Carnarvonshire and Margaret, daughter of Humphry Wynn ap Meredith of Hysoilfarch ; was born 1566 ; was educated in Beaumaris School ; matriculated in Oxford University from St. Edmund's Hall 1570 ; entered Furnival's Inn 1575 ; became a member of Lincoln's Inn 1595 ; was called to the bar 1594 ; became a bencher 1609 ; acted as reader 1615 ; was appointed to enquire as to attendance at the communion same year ; went to Ireland as chief justice of the King's Bench 1617 ; received then the dignity of the coif and knighthood from the king ; was addressed by Bacon on the duties that lay before him in Ireland ; appears as a friend of the Earl of Cork 1618 ; acted as a commissioner of the great seal 1619 ; was sent a falcon by the Earl of Cork that summer and gave a decree subsequently in a cause concerning the earl ; acted constantly as justice of assize ; returned to England 1620 ; was appointed a justice of the Common Pleas there 1621 ; went to Ireland on a commission in regard to its government in 1622 and again in 1624 ; became a justice of the King's Bench in England in latter year ; died 1640 ; was buried in Lincoln's Inn Chapel ; married twice, firstly in 1587, Margaret daughter of Griffith ap John Griffith of Kevenamulch in Carnarvonshire, secondly Catherine, daughter of Thomas Powys of Abingdon in Berkshire and widow of Robert Hovenden, warden of All Souls', Oxford ; was author of legal reports and of a paper on British antiquities. [Dict. Nat. Biog. ; Foss's Judges ; Wood's Ath. Oxon.]

**1617 Lancelot Lowther, knight ;**

was a brother of Sir Gerard Lowther, being the sixth son of Sir Richard Lowther and Frances Middleton ; entered the Inner Temple 1588 ; held puritanical opinions and kept his hat on in church, as well as at the kitchen-door, for which he was fined 1589 ; was called to the bar 1598 ; appears as solicitor to the consort of James I, 1610 ; went to Ireland as third baron of the Exchequer 1617 ; was said then by Bacon to be a man learned in his profession and worthy of and well qualified for that place ; was accused by James Spottiswood, bishop of Clogher, of corruption 1627 ; resided at Youngstown in co. Kildare and also in co. Meath ;

was knighted in Ireland by the lords justices 1631 ; became treasurer of the King's Inns same year ; received a pension from Charles I in consideration of his having been solicitor to the king's mother and of his being incapacitated 1637 ; appears as a justice of assize to 1637 ; died 1638 ; was buried at Skreen in co. Meath ; married twice, first Elizabeth, daughter of Anthony Welbury of Castle Eden, co. Durham, and secondly Anne, daughter of Thomas Coote. [Trans. Cumb. and Westm. Ant. and Arch. Soc., N.S., ii. 10.]

**1619 Adam Loftus, Viscount Ely ;**

was second son of Robert Loftus of Coverham in Yorkshire, and nephew of Adam Loftus archbishop of Dublin and chancellor ; matriculated in Cambridge University from Jesus College ; graduated there as bachelor of arts 1586, and proceeded master of arts 1569 ; appears as a member of Thavies Inn 1592 ; entered then Lincoln's Inn ; appears as archdeacon of Glendalough same year ; was said then by his uncle to have " entered into the ministry " ; appears in Ireland practising in civil and ecclesiastical law ; was appointed judge-martial 1597 ; married Sarah Bathoe widow of Richard Meredith, bishop of Leighlin and dean of St. Patrick's Cathedral ; was appointed a master in chancery at the close of 1598 ; received leave then to go to England for four months ; took an active part in the suppression of the Earl of Tyrone's rebellion ; became a commissioner for the martial government of Munster 1600 ; received leave to go to England for three months 1602 ; became a commissioner for ecclesiastical causes later in that year ; appears as his uncle's vicar-general 1604 ; was knighted in Dublin in Christ Church Cathedral by Lord Deputy Cary on Christmas day in that year ; visited England 1607 ; received then a pension on account of his services as judge-martial ; was recommended by Lord Deputy Chichester for recognition in regard to his industry in civil affairs 1608 ; appears as a member of the Irish council 1609 ; became a member of the King's Inns 1610 ; was accused of " cross dealings " by the Earl of Thomond as to property in co. Carlow same year ; became judge of the admiralty court 1612 ; was elected knight of the shire for the King's co. 1613 ; appears then in possession of Drimnagh Castle near Dublin and of Monasterevan Abbey in co. Kildare as well as of lands in King's

co. and co. Wexford; took part in the parliamentary debates 1614-15; acted on a regal visitation 1615; was appointed chancellor sixteen days after the death of Archbishop Jones 1619; appears residing in Monasterevan Abbey 1621; acted as a lord justice 1622; was created then Viscount Loftus of Ely; received presents of goshawks, falcons, and Rhenish wine from the Earl of Cork; had controversy with Lord Deputy Falkland as to the sealing of patents and the appointment of justices of assize and justices of the peace 1624-6; heard a cause to which the Earl of Cork was a party and had an altercation in court with the earl who complained to the king of the "affronts and storms" that he had encountered; was accused of opposing the king's interest in regard to the revenue and of malversation at the same time; was summoned to England to the king and ordered to deliver the great seal to the lord deputy 1627; was exonerated from the charges brought against him and restored to office with a licence to visit England at any time 1628; appears as vice-admiral of Leinster and as again discharging admiralty jurisdiction after the death of Baron Parsons 1629; acted as a lord justice 1629-33; was joined in that office with the Earl of Cork who had become formally reconciled to him; received the freedom of Dublin 1632; made a speech to the Earl of Strafford on his arrival as lord deputy 1633; had a fresh altercation with the Earl of Cork while riding in the train of Strafford to Christ Church Cathedral; acted as speaker of the house of lords 1634-5; was then residing in Dublin in St. Mary's Abbey; acted as a lord justice in the absence of Strafford 1636; was accused of evasion of the settlement made on the marriage of his eldest son; appears in conflict with Strafford as to the appointment of a justice of assize in the spring of 1637; was said by Strafford to have behaved with "covert carriage and cunning dealing" in regard to the settlement on his son's marriage and was ordered to discharge alleged obligations 1638; was charged before the council with disrespect to Strafford and disregard of the decree; was ordered to kneel and to deliver up to the great seal; was committed on non-compliance to the castle of Dublin as a prisoner; requested leave to make an appeal to the king, but was refused permission to leave Ireland until he had agreed to Strafford's conditions; made

an apology for his disrespect eight months later, but would not agree to the conditions; was made a close prisoner 1639; became ill and was allowed to go to his own house; was threatened with a renewal of close imprisonment; submitted then to the conditions after sixteen months' resistance, and proceeded to England; made his appeal to the king without success, and was removed from the office of chancellor at the close of that year; succeeded on an appeal to the English house of lords in having all the decisions against him reversed 1642; appears in Yorkshire at Middleham Castle, of which his second son, who succeeded him, had become possessed by marriage 1643; died there same year; was buried at Coverham; is represented, through the marriage of his second daughter to Charles, second Viscount Drogheda, by the Earl of Drogheda. [Dict. Nat. Biog.; Account of the Families of Lennard and Barrett.]

**1620 George Shurley, knight;**

was the eldest son of Thomas Shurley of Isfield in Sussex, and Anne, daughter of Sir Nicholas Pelham of Laughton; was born 1559; matriculated in Cambridge University from Clare College 1587; was called to the bar in the Middle Temple 1597; appears as a master of the utter bar 1603, and as a bencher 1607; acted as reader 1615; went to Ireland as chief justice of the King's Bench 1620; was knighted then by the king; acted as a commissioner for the plantation of Ulster 1622; became treasurer of the King's Inns same year; complained that he was deprived of precedence owing to the chief justice of the Common Bench being a peer and that he was given a circuit in Ulster, a discourtesy never offered before to one in his position, 1626; resided in Dublin in Young's Castle; appears as a landowner in co. Carlow 1627; acted again as treasurer of the King's Inns same year; visited England 1632; received a licence from the archbishop of Dublin to eat meat in Lent 1640; appears in attendance on the house of lords same year; acted constantly as a justice of assize, generally taking the Munster circuit, to 1641; appears subsequently residing in Chester; was acting again as a member of the Irish council 1643; made a bold speech to the agents of the Catholic Confederation 1644; left Ireland finally 1646; died 1647; was buried at Isfield; married Mary, daughter and heir of Edward



Halfhide of Aspenden in Hertfordshire, and had issue.  
[Berry's Sussex Genealogies, p. 205; Horsfield's Lewes, ii, 144.]

**1622 John Philpot, knight ;**

was eldest son of John Philpot, sometime mayor of Faversham in Kent; appears as a member of Staples Inn 1595; entered then Gray's Inn; became an ancient 1617; was elected pensioner 1620; appears as known to the Earl of Cork, who promised the lord deputy's controller fifty pounds in the event of Philpot's being appointed to the Irish bench 1621; went to Ireland as third justice of the Common Pleas 1622; became a resident in Drogheda; appears as known to Archbishop Ussher 1625; was accused by James Spottiswood, bishop of Clogher, of corruption 1627; assisted Archbishop Ussher in the suppression of recusancy at Drogheda 1629; received knighthood in Ireland from the lords justices 1631; appears in attendance on the house of lords 1634; was described as "a little black temperate man" 1635; acted constantly as a justice of assize to 1636; died at Drogheda 1636; was buried there in St. Peter's church; married twice, firstly Alice, daughter of Simon Greenstreet of Ospringe in Kent and widow of one Norton, and secondly, Mary, daughter of Edward Pulter and widow of Sir John Fish, baronet, and left issue.

**1623 Edward Harris, knight ;**

was son and heir of Sir Thomas Harris of Cornworthy in Devonshire, serjeant-at-law, and Elizabeth daughter of Henry Pomeroy; was born 1575; entered the Middle Temple 1588; was called to the bar there 1599; married Elizabeth daughter of Arthur Fowell of Fowelscombe in Devonshire; appears as resident in the Middle Temple 1608; went to Ireland then as chief justice of Munster; was returned for Clonakilty to Chichester's parliament 1613; received from the Earl of Cork a horse as a present 1615; was fined for not acting as reader in the Middle Temple 1616; received a special grant on account of extraordinary services 1617; was knighted in Ireland by the lord deputy 1619; became third justice of the King's Bench 1623; married as his second wife Jane daughter of John Bussy of Haydor in Lincolnshire and widow of Sir Richard Waldron of Farnham in co. Cavan 1627; kept afterwards a stud at Farnham; acted as treasurer of the King's Inns 1632; appears in



attendance on the house of lords 1634–5 ; acted constantly as a justice of assize, generally on the Munster circuit to 1636 ; died at Cahirmony in co. Cork 1636 ; was buried at Kilcredan ; left issue ; was maternal grandfather of Valentine Greatrakes, “the stroker.” [Prince’s Worthies of Devon, p. 378 ; Vivian’s Visitations of Devon, p. 452 ; Harleian Soc., l. 219 ; Account of Valentine Greatrakes, p. 15.]

**1624 Lawrence Parsons, knight ;**

was younger son of James Parsons, a member of a Leicestershire family, and was brother of Sir William Parsons, sometime lord justice of Ireland ; had also connexion with Ireland as a nephew of Sir Geoffrey Fenton, sometime surveyor-general there, and as a first cousin of the Earl of Cork ; went to Ireland in the train of Sir Geoffrey Fenton ; was granted office of clerk of the crown in Munster 1605 ; received licence of absence for five years 1606 ; entered Gray’s Inn 1607 ; was called to the bar 1612 ; became attorney-general of Munster same year ; acted as legal adviser to the Earl of Cork ; was elected as member for the earl’s borough of Tallow 1613 ; appears residing at Youghal in Sir Walter Raleigh’s house 1617 ; became judge of the admiralty court in room of Chancellor Loftus 1619 ; was knighted then by Lord Deputy St. John ; was given by the Earl of Cork “a fair young gelding” for his wife’s coach 1622 ; gave the earl three dozen gold buttons which proved but “joppes,” being only copper-gilt and enamel 1623 ; became second baron of the Exchequer 1624 ; entertained the lord deputy at Youghal same year ; acted on a special commission for a gaol delivery in Clonmel and Cork in the summer of 1625 ; was associated afterwards on the Leinster circuit with Viscount Kilmallock, when the latter was held to have acted corruptly in securing a capital conviction ; became treasurer of the King’s Inns 1626 ; was accused of corruption same year ; acted constantly as a justice of assize to 1628 ; died near Dublin at Rathfarnham in that year ; is said by Chancellor Loftus to have left the admiralty court in chaos ; married Anne Maltham, a member of a Yorkshire family, and left two sons and a daughter who married Sir Gerard Lowther the second.

**1625 Richard Bolton, knight ;**

was son of John Bolton of Great Fenton in Staffordshire

and Margaret, daughter of Richard Ash of Ash in that shire; married Frances, daughter of Richard Walter of Stafford about 1591; entered the Inner Temple 1601; appears in Ireland acting as deputy recorder of Dublin 1605; was appointed recorder of Dublin and admitted a freeman 1606; represented that city in London before a commission as to the customs of maritime towns of Ireland 1608; appears then as an erudite lawyer, who had won the favour of Lord Deputy Chichester and of the majority of the citizens; suffered, however, from the enmity of rivals; became a member of the King's Inns 1610; was elected member for Dublin and resigned the office of recorder 1613; received knighthood from the lord deputy 1618; became solicitor-general 1619; was said to have been preferred on account of his experience in Irish affairs as well as of his legal acumen; published "The Statutes of Ireland" 1621; was appointed attorney of the court of wards 1622; gave proof there of his ability and integrity; was appointed chief baron of the Exchequer 1625; received licence to hold also his place in the court of wards; became treasurer of the King's Inns 1628; appears residing near Dublin at Brazeel, "a dainty, pleasant, high-built wood house, with much right and brave land about it," 1634; gave his aid then to the Earl of Strafford with whom he found favour; published "A Justice of the Peace for Ireland" 1638; joined in committing Chancellor Loftus to prison same year; acted as a justice of assize, going almost invariably the north-east circuit to 1639; became chancellor in Loftus's room at the close of 1639; was recommended by Strafford for that office on the ground of his loyalty as well as integrity and capacity; acted as speaker in the house of lords 1640-1; was impeached by the house of commons and was suspended from acting as speaker of the house of lords and as a member of the council in the latter year; was reinstated 1642; appears then in a state of great want owing to losses incurred by the rebellion and the non-payment of his salary; asked leave to go to England; appears in Ireland negotiating with the Confederate Catholics 1643-4; was granted the dignity of a baron 1645; signed the proclamation of peace with the Confederate Catholics and the instructions to the commissioners to treat with the English Parliament 1646; was accused then of animus against catholics and of in-

justice towards the native Irish ; denied that he had uttered such words as were attributed to him or acted judicially as alleged ; joined in a representation to the king on the state of Ireland 1647 ; died in 1648 ; married in the closing years of his life as a second wife, Margaret, daughter of Sir Patrick Barnewall of Turvey near Dublin ; left many descendants by his first wife, including his eldest son Edward, who succeeded him as chief baron. [Dict. Nat. Biog. ; Ware's Writers ; Survey of the Articles of the rejected Peace concluded in Dublin 1646 ; Answer to a libel lately published by Doctor Enos, Brit. Mus., Add. MSS. 4798. There has been attributed in error to Bolton A Declaration how the Laws and Statutes of England came to be of force in Ireland. See Harris's *Hibernia*, ii, preface ; Lords' Journals, Ire., i. 203, 208 ; Commons' Journals, Ire., i. i. 323, 328.]

**1625 Samuel Mayart, knight ;**

was son of Gilbert Mayart of Ipswich, a member of a Flemish family ; was born 1587 ; matriculated in Oxford University from Merton College 1604 ; entered the Middle Temple 1607 ; was called to the bar 1614 ; appears as a master of the utter bar 1616 ; was in Ireland practising at the bar there 1617 ; offered to give three hundred pounds for a seat on the bench 1624 ; was recommended then by Sir Richard Bolton and his son as a man of learning and integrity ; became second justice of the Common Bench 1625 ; was knighted in Ireland by the lords justices 1631 ; became treasurer of the King's Inns 1633 ; appears in attendance on the house of lords 1634-5 ; was one of two dissentients from the decision in a case of tenure 1637 ; received a licence from the archbishop of Dublin to eat meat in Lent 1639, 1640 ; acted as a justice of assize, going the north-east circuit to 1641 ; wrote a learned treatise to show that Ireland was bound by statutes made in England 1644 ; was then residing in a part of Dublin known as Oxmantown ; appears in attendance on the house of lords 1640-6 ; died probably in 1646 or soon after that year ; married probably three times, his second wife being Mary Smith, who had been previously married to Primate Henry Ussher and two other husbands.

**1628 Gerard Lowther, knight ;**

is believed to have been an illegitimate son of Sir Christopher

Lowther, the eldest brother of the Sir Gerard Lowther already noticed, and of Sir Lancelot Lowther; was born 1590; matriculated in Oxford University from Queen's College 1605; entered Gray's Inn 1608; was called there to the bar 1614; appears in Dublin as a member of the King's Inns 1619; married, in the Earl of Cork's house at Lismore, Anne, eldest daughter of Sir Lawrence Parsons 1621; succeeded his father-in-law as attorney-general of Munster, and as legal adviser to the Earl of Cork; was given by the earl "a fair young grey gelding" 1624, and was honoured by the earl's acting as godfather to his son 1627; succeeded his father-in-law as second baron of the Exchequer 1628; received knighthood from the lords justices 1631; was recommended as successor to Viscount Kilmallock by the Earl of Cork, who promised the Earl of Strafford a thousand pounds to procure the office for him 1633; became chief justice of the Common Pleas 1634; appears as a widower in that year; married secondly, Margaret, daughter of Sir John King and sister to the first Lord Kingston; became one of Strafford's chief assistants; appears in attendance on the house of lords 1634-5; took part in the proceedings to prepare for a plantation of Connaught 1635, and in securing the overthrow of Chancellor Loftus 1638-9; accompanied Strafford to London when Loftus's appeal came before the king and rendered services for which Strafford said that he would consider himself ever beholden to him; received a licence from the archbishop of Dublin to eat meat in Lent 1640; became attorney of the court of wards same year; appears in attendance then on the house of lords; acted as a justice of assize, going the Connaught circuit to 1641; was impeached with Sir Richard Bolton and placed for a time under restraint 1641; appears acting as a member of the council later in that year; was summoned by the king to Oxford to assist in the negotiations with the Confederate Catholics 1644; went to London to treat with the Parliament for the succour of Dublin 1646; assured the Parliament of his loyalty to the English nation and Protestant religion 1647; appears in England acting as trustee of money raised for the Irish service and as a collector of the revenue from delinquents' estates 1648-50; returned to Ireland 1651; appears as president of the high court of justice there 1652-4; was appointed chief justice of the Lower Bench



and made a commissioner of the great seal 1655 ; complained of infirmity 1656 ; appears then high in the favour of Henry Cromwell, the lord deputy ; resided in the part of Dublin then known as Oxmantown ; died 1660 ; was buried in Dublin in St. Michan's Church ; left no issue. [Dict. Nat. Biog. ; Trans. Cumb. and Westm. Ant. and Arch. Soc., N.S., ii. 12.]

**1633 Hugh Cressy ;**

was a native of York, but was descended from a Nottinghamshire family ; appears as a member of Furnival's Inn 1590 ; entered then Lincoln's Inn ; was called to the bar 1598 ; appears as reader in Furnival's Inn 1605 ; made then " a fail to the wrong of the students and society of that inn, there assembled and expecting the performance of his place, and to the great discredit of Lincoln's Inn," for which he was fined ten pounds and put out of commons ; became a bencher 1614 ; was placed on commissions as to the buttry book and communicants 1615 ; acted as keeper of the " Black Book " 1625 ; became treasurer 1629 ; is said to have resided at Wakefield ; went to Ireland as second justice of the King's Bench 1633 ; appears then as well-known to Strafford ; was active in suppressing recusancy ; became treasurer of the King's Inns 1634 ; appeared in attendance on the house of lords 1634-5 ; was one of two dissentients in a decision on a case of tenure 1637 ; appears in attendance on the house of lords 1641 ; acted as a justice of assize, going generally the Leinster circuit, to 1641 ; gave much dissatisfaction in co. Wexford by his leniency to the Irish in that year ; was threatened subsequently with impeachment ; died in or before 1643 ; married a daughter of Thomas D'Oylie, a physician in London ; was father of Hugh Paulinus Cressy, who was a Benedictine and is known as a writer and a servant of Queen Catherine of Braganza. [Glover's Visitation of Yorkshire ; Harleian Soc., xxxviii. 525 ; Brit. Mus., Lansd. MSS., 821, f., 119.]

**1638 Christopher Wandesford ;**

was son and heir of Sir George Wandesford of Kirklington in Yorkshire and Catherine, daughter of Ralph Hansby of Gray's Inn ; was born at Bishop Burton near Beverley 1592 ; matriculated in Cambridge University from Caius College 1610 ; entered Gray's Inn 1612 ; married Alice



daughter of Sir Hewett Osborne of Keveton in Yorkshire, 1614; was elected member for Aldborough 1621, 1623, for Richmond 1625, 1626, and for Thirsk 1627; appears as a close friend of the Earl of Strafford, to whom he was related 1620-8; acted under him as vice-president of Yorkshire; was appointed on the nomination of Strafford master of the rolls in Ireland 1633; accompanied Strafford to Ireland later in that year; was elected member for Kildare 1634; became possessed of Castlecomer in co. Kilkenny 1636; acted as a lord justice same year; became a keeper of the great seal 1638; acted as a lord justice 1639-40; became lord deputy 1640; is said then to have been offered a peerage; resided in Dublin in Dame Street, and at Kildare; died 1640; was buried in Dublin in Christ Church Cathedral; left issue and was ancestor of the Viscounts Castlecomer and Earl of Wandesford. [Dict. Nat. Biog.]

#### 1634 James Barry, Lord Santry;

was son of Richard Barry, sometime mayor of Dublin, and Anne, daughter of James Cusack of Rathgar near that city; appears as a recipient of money and as a lessee during his father's mayoralty 1610; graduated as a bachelor of arts in Dublin University and entered Lincoln's Inn 1621; became a master of arts of Dublin 1624; was incorporated with the same degree at Cambridge and Oxford 1627; was called to the bar in Lincoln's Inn 1628; was appointed serjeant to the king in Ireland 1629; was admitted a member of the King's Inns 1630; married Ruth, daughter of Sir William Parsons, baronet, then master of the court of wards and afterwards sometime a lord justice; was returned as member for Lismore 1634; became a month later second baron of the Exchequer; was elected treasurer of the King's Inns 1636; stood then high in the favour of the Earl of Strafford; published with a dedication to Strafford "The Case of Tenures upon the Commission of Defective Titles argued by all the Judges of Ireland" 1637; was knighted by Lord Deputy Wandesford 1640; acted as a justice of assize, going the Connaught circuit, to 1641; appears in attendance on the house of lords 1641; was absent from Ireland 1642-4; appears in London acting with Sir Gerard Lowther as a trustee of the money raised for the Irish service 1648-50; was again in Dublin practising at the bar 1653; was sug-

gested by the commissioners of the Parliament in Ireland for appointment as a judge 1654; acted as a justice of assize in Ulster 1655; became chairman of the Convention 1660; was sent by it to London to wait on Charles I; returned to Ireland as chief justice of the King's Bench with the title of Baron Santry; took the part of the Anglo-Irish in the settlement; was suggested as speaker of the house of lords, but not chosen 1661; was then said to be suffering from disability of body; tried the conspirators in Blood's plot to take the castle of Dublin 1663; was suggested for appointment as chancellor 1664, 1666; was said then by Clarendon to be an extraordinarily able man and an excellent judge; acted as a justice of assize, going the Munster circuit; resided in a part of Dublin then known as Oxmantown and at Santry Court near that city; died 1673; was buried in Dublin in Christ Church Cathedral; left issue, including his successor in the title. [Dict. Nat. Biog.; Ware's Writers; Adams's Santry; Jour. Cork Hist. and Arch. Soc., 2 S., vii. 94.]

**1636 William Ryves, knight;**

was sixth son of John Ryves of Blandford in Dorsetshire, and Elizabeth, daughter of Sir John Mervyn of Fonthill in that shire; entered the Middle Temple 1593; was called to the bar 1600; appears as a master of the utter bar 1614; was described as resident at Oxford 1615; became a bencher of the Middle Temple and acted as reader 1619; was appointed second justice of the Carmarthen circuit same year; was recommended by Sir John Davies, to whose wife he was related, to succeed him as attorney-general; went to Ireland in that capacity in the winter; was knighted then by the king; appears acting as justice of assize in Ireland 1620, 1621, 1625; received a licence to hold a yearly fair and weekly market at Rathsallagh, in co. Wicklow 1632; was elected member for Belturbet 1634; acted as a justice of assize 1633, 1636; was appointed second justice of the King's Bench 1636; became treasurer of the King's Inns 1639; appears as a justice of assize, going generally the Leinster circuit to 1641; appears in attendance on the house of lords 1641; acted as a speaker of the house of lords 1641-2; appears in England 1643; was attending on the Irish house of lords 1644; appears away from home 1647;

died in Dublin 1648; was buried in St. John's church; married twice, first a lady called Jackman, secondly Dorothy, daughter of John Waldron, and left issue. [Williams's Great Sessions in Wales; The Irish Builder, 1888, p. 139.]

**1637 James Donnellan, knight;**

was third son of Nehemiah Donnellan, archbishop of Tuam; appears as a scholar of Dublin University 1607; graduated as bachelor of arts 1610; was elected a fellow of Trinity College 1612; was presented to rectories in the diocese of Limerick same year; proceeded master of arts 1613; entered Lincoln's Inn 1616; was called to the bar 1623; appears in Ireland later in that year; became then a member of the King's Inns; married Anne, daughter of Richard Barry and sister of Sir James Barry; was appointed third justice of Connaught 1627 and chief justice of that province 1634; became member for Dublin University in the latter year; lost his wife 1635; became third justice of the Common Pleas 1637; was elected treasurer of the King's Inns 1639; had a country residence then at Rathwire in co. Westmeath; acted as a justice of assizes going the north-west circuit, 1637-41; appears closely associated with the Marquis of Clanricarde 1641; was called by the marquis his true, faithful friend; appears in attendance on the house of lords 1641, 1643; went to Oxford by command of the king to negotiate with the Confederate Catholics 1644; appears in attendance on the house of lords 1645-7; married as his second wife Sarah, fourth daughter of Jonas Wheeler, bishop of Ossory before that time; was acting as a member of the high court of justice 1653; went on special commissions to Ulster and to Kilkenny, Clonmel and Cork same year; acted as a justice of assize in Ulster in the spring of 1655; was appointed second justice of the Lower Bench same year; became a commissioner in matters testamentary 1656; was received into royal favour on the Restoration 1660; became then chief justice of the Common Pleas; appears in attendance on the house of lords 1661; died 1665; was buried in Dublin in Christ Church Cathedral; left issue including a son who became chief baron in the reign of William III. [The Irish Builder, 1887, pp. 85, 202; Jour. Cork Hist. and Arch. Soc., 2 S., vii. 138; Clanricarde's Memoirs.]

**1638 William Hilton ;**

was a kinsman possibly of George Hilton who was a freeman of Lifford in 1612 ; appears in Dublin as a student in King's Inns 1614 ; was admitted then by patent as a counsellor-at-law ; entered Gray's Inn 1616 ; appears in Ireland as a judge of the Prerogative Court and married to Anne sister of James Ussher, archbishop of Armagh 1626 ; became attorney-general for Connaught same year ; was described as of the Abbey of Navan in co. Meath ; was elected member for Armagh 1634 ; was recommended as judge of the admiralty court in Connaught 1635 ; became third baron of the Exchequer 1638 ; was elected treasurer of the King's Inns 1640 ; acted as a justice of assize, going the north-west circuit to 1641 ; appears in attendance on the house of lords 1641-2 ; conducted the business of the Exchequer alone 1642-4 ; applied for increase of salary in the latter year ; was given then, in addition to his seat in the Exchequer, the place of a justice of the Common Pleas ; appears in attendance on the house of lords 1644-7 ; became keeper of the great seal after the death of Sir Richard Bolton 1648 ; died 1651 ; was buried in Dublin in St. Werburgh's Church ; [Ball Wright's Ussher Memoirs, p. 86.]

**1639 Edward Bolton, knight ;**

was eldest son of Sir Richard Bolton and Frances Walter ; was born 1592 ; appears as a member of Clement's Inn 1609 ; entered then Lincoln's Inn ; was called to the bar 1616 ; became in the room of his father, solicitor-general for Ireland 1622 ; received knighthood from the Earl of Strafford 1636 ; was given a grant of Lissen Hall near Dublin 1637 ; became, in the room of his father, chief baron of the Exchequer 1639 ; acted as a justice of assize going, like his father, the north-west circuit ; was absent from Ireland 1642-4 ; signed a representation to the king on the state of Ireland 1647 ; acted as a member of the high court of justice 1652-3 ; died 1659 ; was buried in Dublin in St. Bride's church ; married Isabella, daughter of William Ayloffe, serjeant-at-law, and had issue. [Burke's Landed Gentry under Boltons of Bective Abbey.]

**1641 John Temple, knight ;**

was eldest son of Sir William Temple, provost of Trinity College, Dublin, and Martha, daughter of Robert Harrison ;



appears as a scholar of Dublin University 1617 ; graduated as bachelor of arts same year ; was elected a fellow as *medicus* 1618 ; proceeded master of arts 1620 ; entered Lincoln's Inn same year ; is said to have travelled abroad and to have afterwards entered the personal service of Charles I ; married Mary, daughter of John Hammond, physician to James I, and sister of Henry Hammond, the divine, about 1627 ; accompanied Charles I to Scotland for his coronation there 1633 ; appears then as one of the gentlemen pensioners and was knighted ; went afterwards to Ireland where Strafford was " very noble " to him 1637 ; lost his wife, who died while with her brother at Penshurst, in Kent 1638 ; accompanied the king to Berwick 1639 ; visited Ireland later in that year ; was appointed master of the rolls there 1641 ; obtained that office by purchase ; took an active part in the suppression of the rebellion ; was elected knight of the shire for co. Meath 1642 ; resided then at Staplestown in co. Carlow ; opposed the cessation with the Confederate Catholics and was committed as a prisoner to Dublin castle 1643 ; was exchanged for a prisoner in the hands of the Parliament and went to England 1644 ; was elected member for Chichester 1645 ; published a history of the Irish rebellion 1646 ; began a pamphlet entitled " Ormond's Curtain Drawn : in a short Discourse concerning Ireland, wherein his Treasons and the corruption of his Instruments are laid bare to the stroke of Justice " same year ; gave much assistance to the Parliament in regard to Irish affairs ; went to Munster as a commissioner 1647 ; was suggested as an assistant in the government of Dublin and a commissioner of the great seal of Ireland 1648 ; favoured a compromise with the king ; appears in England acting as a commissioner for the settlement of Ireland 1653 ; was returned to Cromwell's second parliament as a representative of cos. Sligo, Roscommon, and Leitrim 1654 ; went back to Ireland as master of the rolls 1655 ; became treasurer of the King's Inns 1656 ; obtained a licence to go to England 1659 ; was elected member of the council of state in the spring of 1660 ; became member for Tregony after the Restoration ; received confirmation in the office of master of the rolls ; was elected knight of the shire for co. Carlow 1661 ; became dangerously ill 1664 ; acted as vice-treasurer 1673-4 ; died 1677 ; was buried in Dublin



in the chapel of Trinity College ; was father of Sir William Temple, who succeeded him as master of the rolls, and of Sir John Temple, who was successively solicitor and attorney-general for Ireland and father of the first Viscount Palmerston. [Dict. Nat. Biog. ; Ware's Writers ; Jour. Cork Hist. and Arch. Soc., 2 S., vii. 90.]

**1643 Thomas Bavand ;**

was a member of a Chester family ; matriculated in Oxford University 1614 ; graduated bachelor of arts from Broad-gates Hall 1618 ; became a student of Clifford's Inn ; was called to the bar in the Inner Temple 1632 ; was appointed to the Irish bench as second justice of the King's Bench 1643 ; died before entering on his duties. [Harleian Soc., xviii. 266.]

**1644 Thomas Dongan ;**

was fourth son of John Dongan of Castletown, co. Kildare ; entered Lincoln's Inn 1615 ; was expelled for recusancy 1616 ; married Grace Palmer, a member of a Nottinghamshire family about 1621 ; was re-admitted, on proof of his conformity, to Lincoln's Inn, and was called to the bar 1627 ; appears in Ireland 1640 ; became then a member of the King's Inns ; suffered great loss during the rebellion 1641 ; gave his daughter Margaret in marriage to Arnold Boate, a physician distinguished as a Hebrew scholar, 1642 ; visited the English court with a recommendation from Ormond 1644 ; returned to Ireland as second justice of the King's Bench ; appears in attendance on the house of lords same year ; lost his eldest son, who was killed when fighting for the king at Leicester, and his wife 1645 ; appears in attendance on the house of lords 1646 ; acted for the parliament as a justice in Ulster 1651 and as a member of the high court of justice 1652-3 ; was excused on account of his poverty from paying his pensions and commons at the King's Inns and allowed to continue in his chambers 1659 ; was appointed third baron of the Exchequer after the Restoration 1660 ; desired to resign as he had grown old, sickly, and very infirm 1663 ; died same year ; was buried in Dublin in St. John's Church ; had married a second time ; left a son called John. [The Character of a Trulie Virtuous and Pious Woman as it hath been acted by Mistris Dungan,

wife to Doctor Arnold Boate, Paris 1651 ; Metcalfe's Visitation of Northamptonshire, p. 123.]

**1654 Richard Pepys ;**

was second son of John Pepys of Cottenham in Cambridgeshire and Elizabeth, daughter of John Bendish of Bowes Hall in Essex, and was a kinsman of Samuel Pepys ; was born about 1588 ; entered the Middle Temple 1609 ; was called to the bar 1617 ; appears as a bencher 1636 and acted as reader 1640 ; was elected member for Sudbury in Suffolk same year ; acted as treasurer of the Middle Temple 1648 ; became a serjeant 1654 ; was appointed a baron of the English Exchequer same year ; went to Ireland in the autumn as chief justice and a member of the council ; appears sitting judicially with Miles Corbet and another early in 1655 ; was appointed chief justice of the Upper Bench and a commissioner of the great seal same year ; appears on circuit in Ulster in the spring of 1657 ; presented books to the library of the Middle Temple 1658 ; died suddenly 1659 ; was buried in Dublin in Christ Church Cathedral ; married twice, first Judith, daughter of Sir William Cutte of Arkesden in Essex, and secondly Mary daughter of Captain Gosnold ; left issue and is an ancestor of the Earl of Cottenham. [Dict. Nat. Biog. ; Foss's Judges.]

**1655 Miles Corbet ;**

was second son of Sir Thomas Corbet of Sprowston in Norfolk and Anne, daughter of Edward Barret of Belhouse in Essex ; matriculated in Cambridge University from Christ's College 1612 ; appears as a member of Thavies Inn 1615 ; entered then Lincoln's Inn ; was called to the bar 1623 ; became recorder of Yarmouth ; was elected member for that borough 1628, 1640 ; acted as chairman of the committee of examinations ; became clerk of the court of wards 1644, and registrar of chancery 1648 ; was one of the regicides 1649 ; went to Ireland as a commissioner for the Parliament 1650 ; became a member of the council there 1654 ; appears sitting with Chief Justice Pepys and styled chief baron early in 1655 ; was formally appointed chief baron of the Exchequer and a commissioner of the great seal later in that year ; became treasurer of the King's Inns 1657 ; resided at Malahide Castle near Dublin ; was arrested by the army 1659 ; went to England early in 1660 ; fled from England

on the Restoration; was brought back from Holland and was executed 1662; was described as a very black, swarthy, melancholy man with an aged appearance; was married and left issue. [Dict. Nat. Biog.]

**1656 William Steele;**

was son of Richard Steele of Finchley, Middlesex, a member of a Cheshire family, and Lætitia Shaw; matriculated in Cambridge University from Caius College 1627; entered Gray's Inn 1631; was called to the bar 1637; became a commissioner for martial law under the Parliament 1644; was appointed attorney to the high court of justice for the prosecution of Charles I, but owing to illness did not act 1649; became recorder of London same year; was elected then a bencher of his inn; received the dignity of the coif 1654; was nominated as a member of the Irish council, but did not enter on the duties, same year; became chief baron of the Exchequer in England 1655; went to Ireland as chancellor 1656; received that office as a mark of honour and favour and in consequence of his very eminent and faithful services; was summoned to Cromwell's house of lords, but did not attend, 1658; had disagreement with Henry Cromwell and wished to retire; became a commissioner for the government of Ireland under the restored Long Parliament 1659; was nominated in England by the army as a member of the committee of safety; returned then to England, but did not act; went to Holland after the Restoration; returned subsequently to England where he died in 1680; was then described as of Hatton Gardens; married twice, firstly Elizabeth, daughter of Richard Godfrey of Wye in Kent, and secondly, Mary Mellish, widow of Michael Harvey, and left issue. [Dict. Nat. Biog.; Foss's Judges.]

**1659 John Santhey;**

was second son of Robert Santhey of Burton in Denbighshire; entered Gray's Inn 1641; was called to the bar 1649; appears in Ireland as a commissioner of justice; became joint prothonotary of the Common Pleas 1655; acted as a justice of assize in Connaught same year; became a member of the King's Inns 1657; was recommended unsuccessfully by Henry Cromwell to be solicitor-general same year; became a justice of the Upper Bench

early in 1659; was appointed baron of the Exchequer later in that year; died in Dublin 1688.

**1659 William Basil ;**

was fifth son of Martin Basil of Colchester in Essex; entered Lincoln's Inn 1628; was called to the bar 1636; succeeded to property in Ireland 1642; became a bencher of his inn 1648; acted as a trustee of money raised for the Irish service same year; went to Ireland as attorney-general 1649; became a member of the King's Inns 1650; was said by Lord Deputy Fleetwood to be a very able, honest man 1654; became chief justice of the Upper Bench 1659; resided near Dublin at Donnycarny, now known as Marino; died in London in or before 1693; married twice, firstly Anne, fifth daughter of Sir John King and sister of the first Lord Kingston, and secondly the Hon. Mary Caulfeild, daughter of William, second Lord Charlemont, and left issue.

**1659 John Cook ;**

was the eldest son of Isaac Cook of Burbage in Leicestershire; entered Gray's Inn 1623; travelled to Rome and Geneva; was called to the bar 1631; appears in Ireland 1634; became then a member of the King's Inns; is said to have been employed in Ireland by the Earl of Strafford; appears in London 1640; was then in debt; published several political tracts 1646-8; was appointed solicitor to the high court of justice for the prosecution of Charles I, and acted, owing to the absence of William Steele, as chief counsel, 1649; received soon afterwards a grant of the mastership of the Hospital of St. Cross; became an ancient of Gray's Inn 1650; went to Ireland as chief justice of Munster same year; was nearly shipwrecked on the southern coast of that country; appears as a resident in Waterford 1651; published there a tract entitled "Monarchy no Creature of God's Making"; acted as a commissioner of justice 1653; was appointed second justice of the Upper Bench, but would not accept the place 1655; appears executing the duties of his office in Munster 1656; returned to England 1657; appears in Dorset opposing the Anabaptists 1658; was appointed again second justice of the Upper Bench and accepted the place 1659; went back to Ireland; was arrested by the army, and sent to England in the spring of 1660; was tried and executed after the



Restoration ; married and was survived by his wife and a daughter called Freelove. [Dict. Nat. Biog.]

**1660 John Bysse ;**

was eldest son of Christopher Bysse, second remembrancer of the Exchequer, and Margaret, daughter of John Forster, alderman of Dublin ; appears as a ward 1615 ; is claimed as an alumnus by Dublin University ; received livery of his estate 1623 ; entered Lincoln's Inn 1624 ; was admitted a member of King's Inns 1632 ; married Margaret, daughter of Francis Edgeworth, clerk of the crown in chancery, and widow of John King, clerk of the hanaper ; was elected member for Charlemont 1634 ; became recorder of Dublin same year ; went as justice of assize to Munster 1636 ; was elected member for Dublin 1640 ; owned then Preston's Inn in Dublin and Brackenstown near Swords in co. Dublin ; was suggested under the Parliament for appointment as judge 1654 ; went as justice of assize to Ulster 1655 ; was elected to represent Dublin county in Cromwell's third parliament but was excluded 1656 ; was recommended by Henry Cromwell for appointment as puisne justice of the Upper Bench 1659 ; became chief baron of the Exchequer six weeks after the Restoration 1660 ; appears in attendance on the house of lords 1661-2 ; acted as a mourner at the funeral of a nonconformist minister 1665 ; received a grant of part of Philipstown in King's co. 1667 ; was defended by the Duke of Ormond from a charge of insufficiency 1669 ; heard a rumour of the king's intention to remove him 1671 ; lost his wife 1676 ; was threatened again with removal and defended once more by Ormond who said that his integrity and industry compensated for any want of quickness and that no decay in his intellect was perceptible ; appears as justice of assize on the Leinster circuit to 1679 ; died 1680 ; was buried in Dublin in St. Audoen's Church ; became through his only surviving daughter, who was twice married, ancestor of the Viscounts Molesworth and of the Lords Ferrard. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 146.]

**1660 Maurice Eustace, knight ;**

was son and heir of John Eustace of Harristown in co. Kildare, constable of Naas ; appears as scholar of Dublin University 1610 ; was presented to a vicarage in the diocese of Kildare 1612 ; graduated as bachelor of arts 1615 ; was



elected a fellow of Trinity College 1617 ; proceeded master of arts 1618 ; acted as lecturer in Hebrew and studied divinity ; entered Lincoln's Inn 1619 ; petitioned the crown for assistance to continue his legal studies on the death of his father 1623 ; visited Ireland later in that year ; was called to the bar in Lincoln's Inn 1625 ; was residing there 1627 ; obtained then a lease of Harristown from the crown ; received a king's letter for place of first serjeant in Ireland 1629 ; found Sir James Barry had been previously appointed by the lord deputy ; appears in Ireland 1630 ; was recommended then by Lord Ely for appointment as serjeant on the ground of Barry's inexperience ; became member for Athy 1634 ; succeeded Barry as first serjeant same year ; was passed over by Lord Ely, but sent by command of Strafford as justice of assize 1637 ; married Cicely, daughter of Sir Robert Dixon, sometime mayor of Dublin ; became knight of the shire for co. Kildare 1640 ; was called to the speaker's chair and was knighted same year ; acted as justice of assize in Munster 1637-41 ; resided then in Dublin in Skinner's-row and in the country at Harristown ; was commissioned to treat with the Confederate Catholics in Kilkenny 1643 ; received a grant of the reversion of the office of master of the rolls 1644 ; was granted monastic lands at Cong in co. Galway and at Athy in co. Kildare 1645 ; became deputy attorney-general 1646 ; was still acting as speaker in the house of commons when the Duke of Ormond surrendered Dublin to the English parliament 1647 ; was arrested by the governor of Dublin and was sent as a prisoner to Chester 1648 ; was kept under restraint there until 1655 ; went then to Dublin ; was again arrested ; appears practising in Dublin 1656 ; received favour from Henry Cromwell who was " beholden to him and owed him a kindness " 1659 ; appears in London soon after the Restoration 1660 ; returned to Ireland as chancellor ; was given then a king's letter for his creation as peer with the title of Baron Eustace of Cry Eustace ; became a lord justice 1661 ; suffered then from melancholy ; advocated the cause of the old Anglo-Irish and tolerance of recusancy ; resided in Dublin in Dame-street and in the country at Harristown and at Chapelizod near Dublin ; suffered again from melancholy and was seriously ill 1662 ; acted as speaker of the house of lords 1662-3 ; was once more afflicted with melancholy and

incapacitated from discharge of his duties 1663; sold Chapelizod to the crown and purchased Baltinglas in co. Wicklow; complained of depression in the spring of 1664; was attacked with paralysis in the summer of 1665; died a few weeks later; was buried the day after his death at Castlemartin in co. Kildare; but was accorded three weeks later a great funeral in St. Patrick's Cathedral; left no legitimate issue, but was survived by an illegitimate son and daughter. [Jour. Cork. Hist. and Arch. Soc., 2 S., vii. 31; Records of the Court of Delegates in Somerset House; Letters from these Records contributed by Mr. Francis W. X. Fincham to the English Historical Review, xx. 251-9.]

**1660 William Aston, knight;**

was son of John Aston of Tixall in Staffordshire; entered Gray's Inn 1639; married a lady named Highgate; appears in Dublin as a major in the army 1646; was then accounted an honest royalist; appears afterwards serving under the parliament in the army in Ireland; visited London 1649, 1651; was described then as of Drogheda; represented cos. Meath and Louth in the Protectorate parliaments of 1656, 1659; became a member of the King's Inns 1658; appears as a member of the Irish convention early in 1660; went then as one of its representatives to London; appears at the king's court after the Restoration; was knighted by the king; returned to Ireland as second justice of the King's Bench; owed his appointment to his early and ready appearance for the king as well as to his ability and integrity; lost his wife 1661; tried a woman for witchcraft in Cork same year; is said to have had a contest for precedence with the second justice of the Common Pleas and to have been challenged to fight a duel; married as his second wife Ursula, daughter of Mr. Justice Stockton; appears in attendance on the house of lords 1663, 1665; acted as treasurer of the King's Inns 1665-9; resided in Dublin in Ship-street and in the country at Richardstown in co. Louth; was granted leave to widen the street in front of his town house 1666; appears as a justice of assize 1661-70; died at the close of 1670 or beginning of 1671; had issue by both wives, including a son by his first wife who, in the reign of James II, slew a man in a street broil and was hanged. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 215.]

**1660 Richard Kennedy, knight ;**

was son of Sir Robert Kennedy of Newtownmountkennedy in co. Wicklow, baronet, and Constance, daughter of Jonas Silyard; entered Lincoln's Inn 1638; married Anne, daughter of Christopher Barker of Colnbrook in Buckinghamshire, a grandson of Queen Elizabeth's printer; returned to Ireland; was elected member for Mullingar 1647; acted as counsel for Sir Phelim O'Neill 1652; became a member of the King's Inns 1657; appears in London after the Restoration 1660; was nominated then as recorder of Dublin; received knighthood from the king; returned to Ireland as second baron of the Exchequer; was given also office of attorney of the court of wards in Ireland; appears in attendance on the house of lords 1661-2; resided in Dublin in Nicholas-street and in the country at Newtownmountkennedy and at Ballydowd near Lucan in co. Dublin; entertained Ormond at Newtownmountkennedy 1662; visited London 1664; acted while in London as agent for the corporation of Dublin and was given a piece of plate for his services; sought unsuccessfully place of chief justice of the Common Pleas 1665; succeeded his father as baronet 1668; appears as justice of assize usually in Ulster to 1680; took an active part in the suppression of nonconformity; was attacked by illness 1680; resigned 1681; died 1685; left issue and had two successors in the baronetage. [Jour. Cork Hist. and Arch. Soc., 2 S., viii. 179.]

**1660 Thomas Stockton ;**

was son of John Stockton of Cuddington in Cheshire; entered Gray's Inn 1634; was called there to the bar 1641; married Ursula, daughter of John Bellot of Moreton in Cheshire; suffered in person and property for his fidelity to the royal cause; went to Ireland and became a member of the King's Inns 1657; was elected an ancient of Gray's Inn 1658; became third justice of the King's Bench 1660; appears in attendance on the house of lords 1661, 1665; lost his wife 1664; acted as a justice of assize in Connaught and Ulster to 1673; died 1674; was buried in Dublin in St. Michael's Church; left issue including Ursula who married Sir William Aston. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 217; Ormerod's Cheshire, ii. 617, 644; iii, 44.]

**1660 Jerome Alexander, knight ;**

was eldest son of Jerome Alexander of Thorpland in Norfolk, a vassal of the Earl of Arundel; is said to have been of Jewish extraction; entered Furnival's Inn 1609; matriculated in Cambridge University from Caius College later in that year; was admitted to Lincoln's Inn 1617; became steward to the Earl of Arundel and bailiff of the hundred of Eynford in Norfolk; married a daughter of John Havers of Shelfhanger in that county, sometime bailiff to the earl; was called to the bar in Lincoln's Inn 1623; was found guilty in the Star Chamber of tampering with an exhibit in a suit of his own and was disbarred 1626; fled to Ireland; became a member of the King's Inns 1627; received a pardon on condition that he did not practise in England 1633; was elected member for Lifford 1634; became possessed then of the lands of Kilmainham-beg near Kells in county Meath; received from the Duke of Ormond a grant of the abbey of Kilcooly in co. Tipperary 1636; was nominated by Lord Ely as a justice of assize, but was pronounced by the Earl of Strafford as unfit for such employment 1637; went to England without a licence from Strafford later in that year; was confined in consequence on arriving in London in the Fleet 1638; went afterwards abroad; appears in England 1640; assisted in the impeachment of Strafford 1641; appears in Ireland at the time of the rebellion later in that year; fled for refuge to Chester; went afterwards to London; appears active there in securing adventurers to reduce Ireland 1643; was accused of correspondence with Roman Catholics and was in the custody of the serjeant-at-arms for a few days same year; published "A Breviate of a Sentence given against Jerome Alexander, Esquire, an utter barrister of Lincoln's Inn in the Court of Star Chamber" 1644; appears at The Hague rendering service to Charles the Second 1650; returned to Ireland 1655; obtained as an adventurer lands in co. Westmeath 1657; appears in London after the Restoration 1660; was knighted then by the king; returned to Ireland as second justice of the Common Pleas; is said to have contested the right of precedence with Sir William Aston, and to have challenged him to fight a duel; appears in attendance on the house of lords 1661-3, 1665; resided in Dublin in Ship-street; was active in the suppression of nonconformity and



became known as a very severe judge ; sought unsuccessfully the chief seat in the Common Pleas 1665 ; was given a special commission to try tories on the border of Ulster 1666 ; lost his wife 1667 ; appears as chief adviser of the Duke of York as to his lands in Ireland ; acted as a justice of assize in Ulster to 1670 ; died 1670 ; was buried in Dublin in St. Patrick's Cathedral ; had sixteen children of whom but few survived him ; was succeeded in Kilcooly Abbey by his daughter Elizabeth, who married Sir William Barker, baronet ; bequeathed his library with an endowment for a librarian to Trinity College, Dublin. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 222 ; Trans. Roy. Hist. Soc., ii. 94-145 ; S.P., Ire., xii. civ-vii.]

**1660 Robert Booth, knight ;**

was eldest son of Robert Booth of Salford and Anne, daughter of Oswald Mosley of Ancoats Hall, Manchester ; was born 1626 ; had lost his father and become stepson of the Rev. Thomas Case, famous as a preacher and advocate of the covenant 1637 ; was educated in Manchester Grammar School ; entered Gray's Inn 1642 ; matriculated in Cambridge University from St. John's College as a fellow-commoner 1644 ; appears in Salford 1647 ; was called to the bar in Gray's Inn 1650 ; appears in Salford 1653 ; went to Ireland under the wing of Chancellor Steele and became a member of the King's Inns 1657 ; appears in Salford 1659, and in London early in 1660 ; had married before then, Mary, daughter of Spencer Potts of Chalgrove in Bedfordshire ; lost her in Dublin in the autumn ; became third justice of the Common Pleas at the close of that year ; appears in attendance on the house of lords in the summer of 1661 ; became seriously ill and was unable to go circuit ; appears in Salford in the spring of 1662 ; became an ancient of Gray's Inn same year ; appears in attendance on the house of lords 1663 ; visited England 1664 ; obtained a licence to bring six coach-horses to Ireland same year ; had married before then Susanna, daughter of Sir Henry Oxenden of Deane in Kent, baronet ; appears in attendance on the house of lords 1665 ; visited England 1668 ; was knighted then by the king ; lost his wife 1669 ; appears in England at the beginning of 1670 ; became then chief justice of the Common Pleas ; was proposed as



chief justice of the King's Bench on the death of Lord Santry 1673 ; had been suggested as eligible for the English bench ; appears in England owing to ill-health 1675-6 ; became chief justice of the King's Bench 1679 ; resided in Dublin in the district then known as Oxmantown and in the country at Drumecondra near Dublin ; died 1681 ; was buried in Salford ; had by his wife, Susanna Oxenden, four daughters ; was a collateral ancestor of Sir Josslyn Gore-Booth, baronet. [Contributions by Mr. John E. Bailey to Manchester Notes and Queries, v, 260, 269, 273, 289 ; Mount Pisgah by Thomas Case Loud 1670 ; Jour. Cork Hist. and Arch. Soc., 2 S., vii. 99 ; County Dublin, vi. 166.]

**1663 John Povey, knight ;**

was eldest son of John Povey of Woodseaves near Market Drayton in Shropshire, a kinsman of Thomas Povey, the friend of Pepys ; was born in or about 1621 ; matriculated in Oxford University from Trinity College 1636 ; entered Gray's Inn 1638 ; was called to the bar 1645 ; married in Gray's Inn Chapel, Elizabeth, eldest daughter of Guthlake Follitt of Worcester 1648 ; went to Ireland as counsel for Sir John Barrington of Barrington Hall in Essex, a kinsman of Cromwell, but one of the secluded members, early in 1658 ; joined the Munster circuit and became a member of the King's Inns in the spring ; went back to England and brought over his wife in the autumn ; became an ancient of Gray's Inn same year ; resided in Dublin in Nicholas-street ; was elected member for Swords and was appointed receiver of excise in Ulster 1661 ; acted as a justice of assize in the spring and summer of that year ; became a commissioner of appeals in revenue cases 1662 ; was appointed third baron of the Exchequer late in 1663 ; continued to hold his commissionership ; allowed the indictment of persons as abettors of murder during the rebellion twenty-four years before 1665 ; appears in attendance on the house of lords same year ; became chief justice of the King's Bench 1673 ; was knighted then by the lord-lieutenant ; received the freedom of Dublin 1674 ; was suggested for transfer to the English bench 1675 ; appears as a justice of assize, generally in Munster to 1677 ; lost his wife and broke down in health 1677 ; went abroad ; died when returning at Bordeaux early in 1679 ; was buried

at Dublin in St. Michan's Church ; left issue including Mary who married William Smyth, bishop of Kilmore ; is now represented by the Smyths of Gaybrook in co. Westmeath. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 97 ; County Dublin, vi. 42 ; Brit. Mus., Egerton MSS., 2648-50, passim.]

**1665 Edward Smyth, knight ;**

was second son of Edward Smyth of the Middle Temple ; entered the Middle Temple 1627 ; was called to the bar 1635 ; became a bencher 1655 ; went to Ireland as a commissioner of the court of claims as constituted by the act of settlement 1662 ; received knighthood then from the king ; was elected member for Lisburn 1663 ; was appointed chief justice of the Common Pleas 1665 ; became also chief commissioner of the court of claims as constituted by the act of explanation 1666 ; appears as a justice of assize to 1669 ; retired at the close of 1669 ; was married and had issue. [Williams's Great Sessions in Wales.]

**1665 Michael Boyle, archbishop of Armagh ;**

was eldest son of Richard Boyle, successively bishop of Cork, Cloyne, and Ross, and archbishop of Tuam, and Martha Wright of Surrey, and was a kinsman of the great Earl of Cork ; was born 1610 ; graduated as bachelor of arts in Dublin University 1637 ; was incorporated at Oxford University same year ; appears as scholar of Dublin University 1638 ; received from his father the rectory of Clonpriest in the diocese of Cloyne and prebend of Desertmore in the diocese of Cork same year ; married Margaret, daughter of Dr. George Synge, his father's successor in the see of Cloyne ; was given by his father-in-law the deanery of Cloyne and the rectory of Shandrum 1640 ; lost his wife, who was drowned with her only child at sea 1641 ; was employed in negotiations on behalf of the king with the Earl of Inchiquin ; appears as husband of the Honourable Mary O'Brien, daughter of Dermot, Baron of Inchiquin and sister of Murrough, Earl of Inchiquin, 1645 ; was sent by the Earl of Inchiquin to negotiate with Lord Castlehaven, the general of the confederate army, same year ; was instrumental in reviving the royal cause in Ireland 1648 ; appears as chaplain-general to the king's army in Munster ; was then residing near Cork in Red Abbey ; joined the Duke of

Ormond at Kilkenny early in 1650 ; was sent to treat with Cromwell on behalf of the king's army in Munster later in that year ; accepted from Cromwell passes for Ormond and Inchiquin ; incurred thereby their displeasure ; appears in Ireland assisting the Restoration early in 1660 ; became bishop of Cork, Cloyne, and Ross later in that year ; was admitted to the privy council 1661 ; went to England on behalf of the lords justices and the bishops in connexion with the act of settlement later in that year ; was voted the thanks of the house of lords for his pre-eminent services on that occasion 1662 ; received a licence to bring six coach-horses and a riding-horse to Ireland same year ; became archbishop of Dublin 1663 ; was appointed chancellor on the death of Eustace 1665 ; appears as speaker in the house of lords same year ; made a learned speech on the dissolution of parliament in the summer of 1666 ; was dangerously ill a month later ; resided in St. Sepulchre's Palace in Dublin ; acted as lord justice 1671 ; obtained a peerage with the title of Viscount Blessington for his son 1673 ; acted again as a lord justice 1675 ; was mentioned as a possible successor to the see of Canterbury 1677 ; obtained the precedence of a viscount's children for his daughters 1678 ; became archbishop of Armagh 1679 ; was appointed lord almoner of Ireland same year ; resided then in Dublin in Oxmantown and in the country at Blessington in co. Wicklow and at Monkstown Castle in co. Dublin ; acted once more as a lord justice 1685 ; was superseded as chancellor 1686 ; visited England 1686-8 ; was unable through failing health to discharge his episcopal duties 1692 ; died 1702 ; was buried in Dublin in St. Patrick's Cathedral ; left issue through whom he became progenitor of the Earls of Longford and de Vesci as well as of the Viscounts Blessington. [Dict. Nat. Biog. ; Ware's Bishops ; Jour. Cork Hist. and Arch. Soc., 2 S., vii. 36 ; County Dublin, i. 10.]

#### 1669 Robert Johnson ;

was eldest son of Edward Johnson, a bencher of the Inner Temple, and was a kinsman of the Earl of Arlington ; entered the Inner Temple 1644 ; was called to the bar 1651 ; accompanied Chief Justice Smyth to Ireland in the capacity of secretary 1662 ; was elected member for Lisburn in place of the chief justice 1665 ; became a member of the King's

Inns 1667 ; was appointed third justice of the Common Pleas 1670 ; became second justice later in that year ; was residing in England on account of his health 1681-2 ; visited England again 1686 ; was then superseded ; resided in Dublin in Queen-street ; died 1687 ; was buried in London in " the round of the Temple Church " ; was married and left issue, including a son, who became a baron of the Exchequer. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 224.]

**1670 Oliver Jones ;**

was third son of John Jones of Athlone, merchant, and Jane Messitt ; entered the King's Inns 1638 ; was elected member for Athlone 1639 ; acted on a committee for the impeachment of Chancellor Bolton 1641 ; became attorney-general for Connaught, and clerk of the affidavits there 1649 ; engaged to be true and faithful to the Commonwealth 1652 ; was reappointed to his offices after the Restoration 1660 ; became knight of the shire for co. Roscommon 1661 ; was described then as of Roscommon Castle ; acted as a justice of assize 1661-2 ; was appointed chief justice of Connaught 1662 ; acted as third justice of assize in Connaught 1666-9 ; was appointed third justice of the Common Pleas 1670, and second justice of the King's Bench 1672 ; was proposed unsuccessfully as chief justice of the King's Bench 1673 ; appears as a justice of assize to 1682 ; died 1682 ; was buried in Dublin in St. Patrick's Cathedral ; was married and left issue. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 218.]

**1672 Adam Cusack ;**

was second son of Robert Cusack of Rathgar near Dublin and Alice, second daughter of Sir George Sexton ; appears as a fellow of Trinity College, Dublin 1654 ; entered Lincoln's Inn 1655 ; was called there to the bar 1660 ; entered the King's Inns 1661 ; was appointed second justice of Connaught same year ; married Catherine, second daughter of Edmund Keating and niece of Chancellor Eustace 1662 ; became chief justice of Connaught 1670 ; was appointed third justice of the Common Pleas 1672 ; appears as a martyr to gout 1674 ; acted as a justice of assize in Ulster to 1681 ; died 1681 ; was buried in Dublin in St. Audoen's Church ; left no issue. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 226 ; County Dublin, ii. 145.]



**1673 Henry Henn ;**

was eldest son of Hugh Henn, a page of the bedchamber to James I and keeper of the queen's garden at Greenwich ; entered the Inner Temple 1645 ; was called to the bar 1653 ; resided then at Greenwich ; became a bencher of the Inner Temple 1668 ; went to Ireland and was admitted a member of the King's Inns 1669 ; became second serjeant 1670, and a commissioner of appeals in revenue cases 1671 ; was deprived of his benchership, and was fined for not taking the office of reader in the Inner Temple 1672 ; ceased to be commissioner of appeals in revenue cases 1672, but was reappointed 1673 ; was appointed third baron of the Exchequer in the latter year ; became a commissioner of claims for transplanted persons in Connaught 1676 ; was promoted to the place of chief baron 1680 ; acted as justice of assize, in later years always in Connaught to 1687 ; resided in Dublin in King-street ; was superseded 1687 ; resided subsequently in Surrey at Rooksnest, Tandridge, which he had inherited ; died 1708 ; was married but left no issue ; bequeathed Rooksnest after the death of his wife to his sister's son, Edward Nelthorpe ; was probably related to Richard Henn, an ancestor of the Henns of Paradise Hill who settled in co. Clare about 1685. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 147 ; Vict. Hist., Surrey, iv. 322.]

**1674 Richard Reynell, baronet ;**

was second son of Sir Richard Reynell of East Ogwell in Devonshire, a member of a very old Devon family, and Mary, daughter of co-heir of Richard Reynell of Creedy Widger, also in that co. ; entered the Middle Temple 1642 ; was called to the bar 1653 ; went to Ireland and became a member of the King's Inns 1658 ; married at the King's Inns, Hester, daughter of Randal Beckett, 1660 ; was elected member for Athboy 1661 ; visited England 1667 ; acted as a justice of assize 1670, 1672 ; became second serjeant and was knighted by the lord lieutenant 1673 ; was appointed third justice of the King's Bench 1674 ; received a commission of gaol delivery in co. Wicklow early in 1678 ; was created a baronet in the summer ; visited England in the autumn, was mentioned for promotion to a chief seat in the spring of 1679 ; visited England 1681 ;



was admitted to the Irish privy council 1682 ; lost his wife, who died at Abbeville in France, and was buried at East Ogwell same year ; appears then in England ; was superseded 1686 ; returned to England ; became member for Ashburton 1690 ; went back to Ireland as chief justice of the King's Bench early in 1691 ; appears on circuit in Munster ; returned to England in the winter ; went back to Ireland in the spring of 1692 ; appears in attendance on the house of lords in the autumn ; served on a commission as to the quartering of soldiers in co. Meath 1693 ; attended the English parliament 1693-4 ; was accused then of being a Jacobite ; resided in Dublin in Church-street ; was superseded as chief justice 1695 ; was represented then by the whigs as dying and past " all manner of sense and business " ; returned to England ; died in London 1699 ; was buried at East Ogwell ; had issue, and was succeeded in the baronetage by his son. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 219.]

**1677 William Temple, baronet ;**

was eldest son of Sir John Temple and Mary, daughter of Dr. John Hammond ; was born at the Blackfriars in London 1628 ; was educated at Penshurst in Kent by his uncle, Henry Hammond, the divine, and at Bishop's Stortford Grammar School ; matriculated in Cambridge University from Emmanuel College as a fellow-commoner 1644 ; travelled abroad 1648-55 ; married Dorothy, daughter of Sir Peter Osborne 1655 ; resided in Ireland in co. Carlow and in Dublin ; was recommended for a seat in the Protectorate parliament as a man of excellent reasoning who would be a good winning speaker 1658 ; acted as a member of the Irish Convention 1660 ; was elected knight of the shire for co. Carlow 1661 ; went to England same year ; appears residing at East Sheen 1663 ; was granted reversion of his father's office of master of the rolls 1664 ; appears as resident at Brussels in the autumn of 1665 ; was created a baronet on the recommendation of Ormond early in 1666 ; returned to England in the winter of 1667 ; was sent to The Hague to promote the Triple Alliance early in 1668 ; acted as envoy extraordinary at the congress of Aix-la-Chapelle ; returned to England in the summer ; went as ambassador to The Hague later in that year ; returned to England 1670 ; resided at East Sheen ; went again as ambassador to The

Hague 1674; visited England 1675, 1677; succeeded on his father's death to the office of master of the rolls late in the latter year; took part in the congress at Nimeguen; returned to England early in 1679; instituted the short-lived government by the privy council and was elected member for Cambridge University later in that year; purchased Moor Park 1680; was superseded as master of the rolls 1689; resumed office 1690; desired to surrender office of master of the rolls in favour of Sir John Topham, then a master in chancery; lost his wife 1695; resigned the mastership of the rolls in favour of his nephew 1696; died 1699; was buried in London in Westminster Abbey; left daughters, but was predeceased by his only son. [Courtenay's *Life of Temple*; *Dict. Nat. Biog.*; *Jour. Cork Hist. and Arch. Soc.*, 2 S., vii. 92.]

#### 1679 John Keatinge;

was second son of Edmund Keatinge of Dublin and Narraghmore in co. Kildare, and Elinor, daughter of John Eustace of Harristown and sister of Chancellor Eustace; graduated as a bachelor of arts in Dublin University 1655; entered Lincoln's Inn 1657; married Grace, daughter of Sir Thomas Holt of Aston in Warwickshire, baronet, and widow of Sir Richard Shuckburgh 1659; was appointed clerk of the crown and peace in Ulster for life 1660; returned to Ireland 1661; appears afterwards as deputy clerk of the parliament; went to London and back in twelve days to obtain a new patent for the lords justices in the winter of that year; visited London early in 1662; became a member of the King's Inns 1663; appears again in London in connexion with the bill of explanation 1663-5; was acting then as counsel for the '49 officers; appears as a judge of the palatinate court of Tipperary 1675, and as attorney in Ireland to the Duke of York 1676; became a king's counsel in the latter year; lost his wife 1677; became chief justice of the Common Pleas 1679; was offered and declined the chief justiceship of the King's Bench 1681; resided then in Dublin in Church-street and in the country at Lissen Hall near Swords in co. Dublin; was removed from the privy council by James II, 1689, and was superseded as chief justice by William and Mary 1691; put an end to his life by shooting himself later in the latter year; left no issue.

[Dict. Nat. Biog. ; Jour. Cork Hist. and Ant. Soc., 2 S., vii. 141.]

1680 **Standish Hartstonge, baronet ;**

was eldest son of Francis Hartstonge of Catton and Southrepps in Norfolk, and Elizabeth, daughter and co-heir of Sir Thomas Standish of Bruff in co. Limerick ; married Elizabeth daughter of Francis Jermy of Gunton in Norfolk, about 1650 ; entered the Middle Temple 1657 ; went to Ireland and was admitted a member of the King's Inns 1659 ; became recorder of Limerick ; was elected member for that city 1661 ; lost his wife 1663 ; married as his second wife Anne, daughter of John Bramhall, archbishop of Armagh 1664 ; became second justice of Munster 1667 ; appears as attorney-general of the palatinate court of Tipperary 1674 ; became third baron of the Exchequer 1680 ; was created a baronet 1681 ; lost his second wife 1682 ; gave a benefaction towards new buildings in Trinity College, Dublin 1683 ; visited England same year ; married as his third wife, Joanna, daughter of Rowland Gwynn of Llanellwedd ; resided in Dublin in Oxmantown ; appears as a justice of assize to 1686 ; was superseded and went to England in the latter year ; returned to Ireland on re-appointment as baron of the Exchequer 1691 ; appears in attendance on the house of lords 1692 ; was superseded 1695 ; appears residing in Hereford 1699 ; died in or before 1702 ; had issue, and was succeeded by a grandson in the baronetage which became extinct in 1797. [Jour. Cork Hist. and Arch. Soc., 2 S., viii. 182.]

1681 **William Davys, knight ;**

was eldest son of Sir Paul Davys, clerk of the council in Ireland, and Margaret, daughter of Arthur Ussher ; entered Lincoln's Inn 1649 ; was called there to the bar 1657 ; received a grant of the reversion of his father's office of clerk of the council 1660 ; was admitted a member of the King's Inn 1661 ; became recorder of Dublin and was elected member for that city same year ; was knighted by the lord lieutenant 1662 ; acted as a justice of assize 1663 ; married Martha, daughter of Chancellor Boyle 1664 ; became clerk of the Tholsel 1665 ; acted as a justice of assize in Munster 1667 ; resided in Dublin on Merchants'

Quay ; appears as a justice of the palatinate of Tipperary 1669 ; visited England for his health in that year ; went again to England 1671 ; was removed from the recordership and clerkship of the Tholsel 1672 ; visited England and was reinstated in both offices later in that year ; was recommended for a seat on the bench 1673 ; became prime serjeant, while his father-in-law was acting as lord justice 1675 ; was recommended for appointment as chief justice of the King's Bench 1679 ; lost his wife 1680 ; was accused of favouring Roman Catholics and summoned to England same year ; was appointed chief justice of the King's Bench 1681 ; resided then in Dublin on College Green and in the country at St. Catherine's near Dublin ; married, as his second wife, Elizabeth, daughter of George, Earl of Kildare, and widow of Callaghan, Earl of Clancarty 1682 ; visited England for his health and kissed King James's hand 1686 ; appears as a justice of assize in Leinster or Munster to 1686 ; died 1687 ; was buried in Dublin in St. Audoen's church ; left no issue and was succeeded by his nephew who was created Viscount Mountcashel. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 101 ; County Dublin, iv. 29.]

**1681 William Worth ;**

was eldest son of Edward Worth, bishop of Killaloe ; born about 1646 ; matriculated in Dublin University 1661 ; entered the Middle Temple 1665 ; became a member of the King's Inns 1667 ; was called to the English and the Irish bar 1669 ; appears as recorder of Cork 1678 ; was made then a king's counsel ; appears as attorney-general of the palatinate of Tipperary 1681 ; was appointed second baron of the Exchequer same year ; visited England 1683 ; appears as a justice of assize 1682-8 ; was in England in the opening weeks of 1689 ; went the north-west circuit in the spring of that year ; was superseded a few weeks later ; appears again in England in the summer ; returned subsequently to Ireland ; sought re-appointment as baron of the Exchequer 1693 ; visited England later in that year ; was talked of as a possible chancellor 1696 ; was then employed in the management of the Duke of Ormond's estates ; was sole commissioner 1693-7, and one of four commissioners in subsequent years ; gave a benefaction towards new buildings in Trinity College, Dublin 1697 ; visited England 1708 ;



resided in Dublin in Aungier-street and in the country at Rathfarnham and Old Bawn near Dublin ; died 1721 ; was buried in Dublin in St. Patrick's Cathedral ; married four times, firstly Alicia, daughter of William Barnett of Yoxford in Suffolk ; secondly Mabel, daughter of Sir Henry Tynte of Ballycrenane in co. Cork ; thirdly Dorothy, daughter of Henry Whitfield and widow of Sir Richard Bulkeley, the first Irish baronet of that name ; and fourthly Lucy, third daughter of Sir George Downing, baronet, and widow of Sir Richard Bulkeley, the second Irish baronet of that name. [Jour. Cork. Hist. and Arch. Soc., 2 S., viii. 184 ; County Dublin, ii. 132, iii. 36.]

**1682 Arthur Turner ;**

was second son of the Rev. Edward Turner of St. Lawrence in Essex ; entered the Middle Temple 1661 ; was called there to the bar 1666 ; appears in Ireland as attorney for the Duke of York 1673 ; was made a king's counsel 1679 ; became recorder of Kilkenny 1680 ; was made constable of Dublin Castle also at that time ; became third justice of the Common Pleas 1682 ; visited England on account of his health later in that year ; was seriously ill, but was able to act as justice of assize 1683 ; died 1684 ; married Dorothy, daughter of Colonel John Jeffreys of Abercynrig in Breconshire, master of Kilmainham Hospital. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 226.]

**1682 John Lyndon, knight ;**

was eldest son of Captain Roger Lyndon, customer of Carrickfergus ; was sometime a student in Trinity College, Dublin ; entered Lincoln's Inn 1657 ; appears as recorder of Carrickfergus same year ; became a member of the King's Inns 1663 ; was elected member for Killybegs 1665 ; appears as seneschal of St. Patrick's Cathedral 1681 ; became third serjeant 1682 ; was appointed third justice of the King's Bench later in that year ; visited England 1686 ; acted as a justice of assize in Ulster to 1688 ; tried to escape from Ireland early in 1689 ; failed to do so ; went circuit in the spring ; appears in London in the summer ; was called then to the bar in Lincoln's Inn ; returned to Ireland to resume his former seat on the bench 1690 ; appears in attendance on the house of lords 1692 ; was knighted by the lord



lieutenant after the prorogation ; appears in attendance on the house of lords 1695, 1697-9 ; acted as a justice of assize generally in Ulster 1691-8 ; resided in Dublin in Anglesey-street ; died 1699 ; was married and left issue. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 221.]

**1684 Samuel Gorges ;**

was second son of Samuel Gorges of Charlton in Somersetshire, and Jane Coterill of Winford ; was born 1635 ; matriculated in Oxford University from Queen's College 1652 ; entered the Inner Temple 1655 ; was called to the bar 1663 ; married at Wells, Margaret, daughter of Sir Robert Poyntz of Iron Acton in Gloucestershire, knight of the bath, and widow of Sir Richard Hastings of Redlynch in Somersetshire, baronet, 1669 ; appears as second justice of the palatinate of Tipperary 1682 ; was made a king's counsel 1684 ; became third justice of the Common Pleas later in that year ; lost his wife 1685 ; appears as a justice of assize on the north-west circuit to 1686 ; died 1686 ; was buried in Kilkenny in St. Mary's Church. [Jour. Cork Hist. and Arch. Soc., 2 S., vii. 227 ; Hutchins's Dorset, iii. 343.]

**1686 Charles Porter, knight ;**

was second son of Edmund Porter, a prebendary of Norwich ; appears as an apprentice in that city 1648 ; took part then in the unsuccessful rising there for the royal cause ; fled to Yarmouth and took ship to Holland ; served in the Dutch army ; kept subsequently an eating-house in Holland ; returned to England ; attached himself to the chancery clerks in London ; entered the Middle Temple 1656 ; was called there to the bar 1663 ; had married prior to 1666 ; lost his wife then ; married again ; became a bencher 1682 ; was chosen as reader 1685 ; was elected member for Tregony same year ; went to Ireland as chancellor in the spring of 1686 ; was knighted then by the king ; received the freedom of Dublin in the autumn ; was superseded early in 1687 ; returned to London ; acted as reader in the Middle Temple 1688 ; was chosen subsequently to succeed as treasurer ; attended the council after the birth of the Prince of Wales same year ; appears as an active adherent of William and Mary 1689 ; became one of the king's counsel ; was elected

again to the English parliament as member for Windsor 1690 ; returned to Ireland on re-appointment as chancellor at the close of that year ; became then a lord justice ; signed as such the treaty of Limerick in the autumn of 1691 ; acted as speaker of the house of lords in the autumn of 1692 ; was charged with misconduct in the government of Ireland in the English house of lords in the spring of 1693 ; acted as a lord justice for a few months in the summer ; went to England in the autumn and took his seat in the English house of commons ; was charged there with misconduct and exonerated ; returned to Ireland in the summer of 1694 ; acted as speaker of the house of lords 1695-6 ; was charged with judicial misconduct by the house of commons ; defended himself successfully ; had afterwards an altercation in the street with the speaker ; acted as sole lord justice and afterwards as first of three 1696 ; died suddenly at the close of that year ; left issue. [Dict. Nat. Biog.]

**1686 Thomas Nugent, baron of Riverston ;**

was second son of Richard Nugent, Earl of Westmeath, and Mary, daughter of Sir Thomas Nugent of Moyrath ; entered the Inner Temple 1669 ; was described as of Clonyn, in co. Westmeath ; joined the King's Inns 1674 ; married the Hon. Marianna Barnewall, daughter of Henry, Viscount Barnewall of Kingsland 1680 ; became a king's counsel 1685 ; was appointed a justice of the King's Bench in the spring of 1686 ; had a contest with Mr. Justice Lyndon as to precedence ; became then a member of the privy council ; went on a special commission to Dundalk in the winter ; was appointed chief justice of the King's Bench in the autumn of 1687 ; went to London concerning the repeal of the act of settlement early in 1688 ; was created a peer as Baron Riverston after James's arrival in Ireland in 1689 ; acted as chairman of committees in James's house of lords ; was given subsequently by James the title of chief justice of Ireland ; became a commissioner of James's treasury ; appears as a justice of assize in Munster and Connaught to 1690 ; left Dublin on the day of the battle of the Boyne ; appears at Limerick 1690-1 ; acted sometime there as secretary of state for James ; was given benefit of the Limerick treaty and was restored to his estate 1691 ; was

residing at Pallas in co. Galway 1705–14; received then a licence to keep arms; died 1715; left issue and is a direct ancestor of the present Earl of Westmeath. [Dict. Nat. Biog.]

**1686 Denis Daly;**

was eldest son of James Daly of Laragh in co. Galway, and Anastasia Darcy; was born in or about 1643; entered the Middle Temple 1673; joined the King's Inns 1678; was appointed a justice of the Common Pleas in the spring of 1686; became then a member of the privy council; went on a special commission to Trim and Longford in the winter; was alleged to have compared James's house of commons to Masaniello's assembly 1689; was threatened with impeachment; acted as a justice of assize in Munster to 1690; appears as resident in Galway 1691; assisted then in securing submission to the rule of William and Mary; went to England to obtain reversion of his outlawry at the close of that year; received licence to keep arms 1705, 1714; was described as of Carrownakelly; died 1721; married Mary, daughter and heir of Thomas Power of Park in co. Limerick and left issue through whom he became ancestor of the Lords Dunsandle

**1686 Stephen Rice, knight;**

was eldest son of Edward Rice of Dingle in co. Kerry; entered the Middle Temple 1672; joined the King's Inns 1674; was appointed third baron of the Exchequer in the spring of 1686; became a member of the privy council; was appointed chief baron in the spring of 1687; was knighted by the Earl of Tyrconnel, then lord lieutenant, some months later; accompanied Tyrconnel to Chester to wait on James II; went to London with Chief Justice Nugent concerning the repeal of the act of settlement early in 1688; was sent by Tyrconnel to France to report to James on the state of Ireland early in 1689; returned with James to Ireland; became a commissioner of James's treasury; appears as a justice of assize in Leinster or Connaught to 1690; followed James to France 1690; appears at Limerick 1691; was given benefit of treaty of Limerick, and was restored to his estate; appears practising at the Irish bar 1695; argued before parliament against a penal

bill 1703 ; died 1715 ; married Mary, daughter of Thomas Fitzgerald of co. Limerick ; left issue ; was designated by James as Baron Monteagle, a title now held by his collateral descendant. [Dict. Nat. Biog.]

**1687 Alexander Fitton, baron of Gawsworth ;**

was eldest surviving son of William Fitton of Awrice in co. Limerick and Gawsworth in Cheshire, and Eva, daughter of Sir Edward Trevor of Brynkinalt in Denbighshire, and was a great-grandson of Sir Edward Fitton, president of Connaught and treasurer of Ireland, and a grand-nephew of Sir Edward Fitton, president of Munster ; entered Gray's Inn 1654 and the Inner Temple 1655 ; was called to the bar in the Inner Temple 1662 ; married Anne, daughter of Thomas Jolliffe of Coston Hackett in Worcestershire ; appears with his father in conflict with their kinsman, Charles Lord Gerard of Brandon, afterwards Earl of Macclesfield, as to the possession of Gawsworth 1661 ; was called to the bar 1662 ; appears as a respondent in a chancery suit with Lord Gerard same year ; was found on a trial in the King's Bench to rely for his title to Gawsworth on a forged deed ; was dispossessed in favour of Lord Gerard early in 1663 ; published in the summer an allegation that Lord Gerard had suborned the evidence of forgery ; was committed by the house of lords to the King's Bench prison until he should produce the author of the allegation ; appears in the winter at Chester as party in a second trial as to Gawsworth ; was again found to rely on a forged deed ; appears afterwards in the King's Bench prison ; went to Ireland 1665 ; appears again as a prisoner afterwards ; instituted unsuccessfully proceedings against Lord Gerard's witnesses for perjury 1669 ; appears in Chancery as an applicant for a review of the decision as to Gawsworth after the accession of James II, 1685 ; was held to have postponed unduly the application ; appealed unsuccessfully to the house of lords ; dealt subsequently with the Gawsworth tenants during the absence of the Earl of Macclesfield ; appears then as a Roman Catholic ; went to Ireland as chancellor early in 1687 ; was knighted then by the king ; acted as a lord justice during the absence of the lord lieutenant in the summer ; lost his wife in the autumn ; was created after James's arrival in Ireland, a peer as baron



Gawsworth 1689 ; acted subsequently as speaker of James's house of lords ; assumed office of lord justice after flight of James 1690 ; followed James to France ; died at St. Germain 1698 ; had an only child, Anne. [Dict. Nat. Biog.]

**1687 Peter Martin ;**

was second son of Richard Martin of Galway ; entered the Middle Temple 1666 ; joined the King's Inns 1673 ; appears as a counsel in Connaught 1683 ; was appointed third justice of the Common Pleas 1687 ; acted as a justice of assize, generally in Connaught to 1690 ; was said to be then one of the civil governors in the enemy's quarters.

**1687 Henry Lynch, baronet ;**

was eldest son of Sir Robert Lynch of Galway, baronet, and Ellice, daughter of Sir Peter French of Galway ; entered the Middle Temple 1664 ; succeeded as third baronet 1667 ; appears as a steward in the Middle Temple 1671 ; joined the King's Inns 1674 ; became third baron of the Exchequer 1687 ; acted as a justice of assize in Leinster to 1690 ; was said to be then one of the civil governors in the enemy's quarters 1690 ; followed James to France ; died at Brest 1691 ; married twice, firstly the Honourable Margaret Bourke, daughter of Theobald, Viscount Mayo, secondly Mary, daughter of Nicholas Blake ; left issue and is now represented by Sir Robert Lynch-Blosse.

**1688 Bryan O'Neill, baronet ;**

was eldest son of Sir Bryan O'Neill of Backwestown in co. Dublin, baronet, and Sarah, daughter of Patrick Savage of Portaferry ; entered Gray's Inn 1664 ; succeeded as second baronet 1670 ; joined the King's Inns 1674 ; married Mary, daughter of the Honourable Edward Plunket and sister of Christopher Lord Dunsany, and widow of James Wolverston of Stillorgan near Dublin ; acted as a justice of assize in Ulster 1687 ; was appointed third justice of the King's Bench 1688 ; appears as a justice of assize in Ulster or Munster to 1690 ; died 1697 ; was buried at Dunsany. [County Dublin, iv. 61 ; Irish Memorials Ass., ix. 340.]

**1689 John Barnewall, knight ;**

was described as of Crickstown in co. Meath ; entered the Inner Temple 1673 ; joined the King's Inns 1679 ; was



appointed third serjeant 1687 ; became recorder of Dublin same year ; was knighted by the lord lieutenant a few days later ; became second baron of the Exchequer 1689 ; appears as justice of assize in Leinster 1690 ; married and had issue.

**1689 William Talbot, baronet ;**

was son of Sir Robert Talbot of Carton, baronet, and the Honourable Grace Calvert, daughter of George, Lord Baltimore, and was nephew of Richard Talbot, Earl of Tyrconnel ; succeeded as third baronet 1670 ; acted as secretary of the colony of Maryland 1670-1 ; was protecting recusants in Ireland 1682 ; became a suitor for the hand of a niece of the Comtesse de Grammont 1683 ; married the Honourable Anne Nugent, daughter of Richard, Earl of Westmeath, and widow of Lucas, Viscount Dillon of Costello, later in that year ; was designated as a commissioner of the revenue in Ireland 1685 ; became a member of the privy council 1687 ; was appointed master of the rolls 1689 ; became knight of the shire for co. Meath same year ; was attainted 1691 ; was described then as of Liscartan in co. Meath ; died at Galway later in that year ; left no issue.

END OF VOL. I















